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A LETTER

FROM

ROBERT S. REEDER, ESQ.,

TO

DR. STOUTON W. DENT,

ON THE

COLORED POPULATION

OF MARYLAND, AND

SLAVERY;

AND A

SPEECH

ON THE

PROPOSITION TO CALL A CONVENTION,

BY A SINGLE ACT OF THE LEGISLATURE, TO CHANGE THE CONSTITUTION,

At December Session, 1845.



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A LETTER.

To Dr. Stouton W. Dent,—

Dear Sir:—Your letter, with its postscript of inquiry, duly came to hand, and under the earliest inclination to do so, I proceed to reply to it. In the postscript to your letter, you propose this question: "Which is the better and wiser proposition or measure of the two submitted to the Free Negro Convention lately held in Baltimore—that of the majority, or of the minority?" This is a difficult question to determine, and one about which my mind wavers and doubts; and I must say, I entertain objections to each, and a strong and invincible objection to that of the majority. A temporizing policy is as a general rule ever unsafe, and tends in almost every case to an ultimate aggravation of the evil which it professes to heal.

You are aware, these propositions were not fully and freely discussed in the Convention, because of an unreasonable limitation of the time of each speaker and of the discussion; and indeed against the force of reason and the spirit, and, I may add, the letter, of our institutions, by an abridgment of the freedom of speech. A philosophic wit has somewhere said, that limitation of time, is the safeguard and protection of fools.

At the December session of the Legislature of this State, for eighteen hundred and forty-three and eighteen hundred and forty-five, by a Report on the Free Negroes of the State, at each session, I threw two bombshells of inquiry into the social and intellectual organization of this State; and we are now reaping the rich results, in a rapid approach to a full and complete understanding of the nature of this question.

The question is one of grave importance, not only as affecting our own immediate local interests, or indeed the interests directly of fully one-half this Union, in respect to the extent of area; but in reality the ultimate organization and destiny, it may be, of the nations of the earth.

But the question, so far as we are locally interested, is one of serious import, and the proposition of the majority of the committee, if

executed, is, in my humble judgment, calculated to render it ultimately disastrous in its results. Under the execution of that proposition, if I rightly understand it, there must be established a supervisory power for the control and good government of the free negroes, and they are subject to this form of government to remain permanently with us. This proposition, then, is subject to a twofold objection: first, that the free negro must from his permanent location and position increase; while the slave, by continual and successive exportation, from sale or otherwise, must decrease; and in such a struggle, it cannot be doubted but that the permanent and increasing object will acquire the ultimate mastery; and secondly, that it is organizing, tolerating, and indeed enforcing, a species of service which has ever been the active and unerring basis and instrument of despotism. But these views will be illustrated more fully as we advance.

I greatly prefer, in principle, the position of the minority, but it is probable that at present and under the existing immature state of the public mind, it is impracticable; and particularly that feature which proposes a diffusion of slavery by confining each one to a limited number.

It may sound strange to you, when I tell you, that in this question is involved the question of a twofold form of society, which has divided nations from time immemorial; and must continue to divide them through all future time, each form producing its own peculiar results of good and evil, and each exerting its own peculiar influence in the progressive destiny and supremacy of nations. Thus viewed, then, this is, in reality, a question of vital importance, not only to ourselves, but shall I say to the human race? The superior power of christendom, through its various and peculiar agencies, has unlocked the door of exclusion among all nations, is dissipating the cloud of idolatrous superstition and ignorance which had rested so long like a mental nightmare upon those nations, and has let in, into the moral, social, intellectual and spiritual interior of them all, the bright, steady and benificent light and influence of our peculiar and humane civilization. This has produced at this time, as I think, a crisis in the conditional progress of the human race; and the present juncture of events, does appear to me to portend, a universal revolution in the state of society; and is it not a subject of grave consequence, what shall be the result, and indeed the permanent result, of such a revolution? The spirit of freedom is everywhere moving upon the face of

the great deep—indeed, there is a mighty upheaving of the great deep itself.

In the midst of this portentous revolution, doctrines, wild, extravagant, and I may add, chaotic, are not only entertained and expressed, but acted out delusively and to disorganizing results upon the subject of freedom. Men think, speak, and act as if freedom was a mere abstract being, to be subject to the control and guidance of no legal or social restraint. On this subject perhaps a universal error prevails. Freedom itself, abstractly considered, is an invisible element, like electricity—is the essence of the inner man ; but when we regard it practically, and indeed for practical utility, as we must and should, for the purposes of society, it becomes a thing visible, through its agencies, subject to the direction and control of a sensible rule of action ; and for its own preservation and perpetuity, it must be ruled by a strong disciplinary authority.

The question, which is now the subject of inquiry, presents the subject of freedom and service relatively—in a twofold aspect: What is the best form of freedom, and what is the safest and best form of service? Shall the freedom and the service be an individuality or a nationality?

We can only determine or know the future by the past; and by running our mind through the latter, we find that social organization, for its successful maintenance, has always rested on one of two principles—voluntary or involuntary service; and the consideration of the question, now the subject of inquiry with us, necessarily, and in a strong light, presents the examination of these two principles; and, indeed, a historical comparison of the relative excellence or superiority of either. Judging, then, the future by this law of the past, and, indeed, also, of the present, we know, as there never has been a period in the progress of man, when there was an absence of imperative service, so there never will be a period when there will be an absence of such service. Does or does not the Divine Being, the Governor of this Universe, govern that universe wholly by agencies? Man is always the same—unchangeable, and what he, through his peculiar formation has wrought out in the past, he will again work out in the future, although working by different agencies. We now cultivate the earth as did the ancients, but we do not use the same agricultural implements in the form of their construction, although of the same material. There is but one safe mode of *progressive* freedom and

service, and that consists essentially in federal individuality. Coeval with the existence and progress of the human race, service has been maintained, and existed in a twofold form—the voluntary and the involuntary. To effect the condition of the former, Europe at an early period after the commencement of the Christian era, or shortly after the strong establishment of christianity, was subjected to the consequence of a great and entire revolution, and the voluntary was substituted in the stead of the involuntary, and hence the former became national—to be maintained by a strong standing army—at the point of the bayonet—by the controling of thought—the suppression of the freedom of speech, and by the support and prosecution of periodical wars to uphold and perpetuate unmittigated despotism. Voluntary service has thus far, by its experiment, exhibited the spectacle, all over the continent of Europe, of the most consumate and blasting slavery as the offspring of military authority. This latter condition of service has shown, thus far, by its practical working, that it must subject each *individual* to one controling military power and cannot tolerate individual control and service.

Individual control has always commanded involuntary service and interest, and has ever been intimately allied with freedom as the legitimate offspring of the federal form of government, and has produced the highest and most ornate endowments moral and intellectual. Is it necessary that Europe, before she can be free, should return to individual service and to the federal form of government?

The authority of the minority report shows, as a *fact*, the interference of the ecclesiastical government with the civil institution of slavery and their attempt to abolish it. Inasmuch as he did not point out the origin and *purpose* of that interference, it is no more than proper that I should do so now; and this will bring us to an explanation of the sources and purpose of the great European revolution, and of the transition thereby from the individual to the national bond of service, and the establishment, as a consequence, of the most durable, bloody and blighting despotisms that have yet existed. For the purpose of showing the origin and mode of the revolution of which I have spoken, I will quote from Balmes, a learned and eloquent writer of the Catholic Church, and who, I am informed, stands very high in that church, and is regarded deservedly as one of its brightest ornaments. In his 15th chapter, on Slavery, he says: "No one now ventures to doubt that the church exercised a powerful influence on

the abolition of slavery; this is a truth too clear and evident to be questioned." A little farther on, in speaking of the great number of slaves found in existence, at the advent of the *church*, he says: "As their number was everywhere so considerable, it is clear that it was quite impossible to preach freedom to them without setting the world on fire. Unhappily we have, in modern times, the means of forming a comparison, which, although on an infinitely smaller scale, will answer our purpose. In a colony where black slaves abound, who would venture to set them at liberty all at once? Now how much are the difficulties increased, what colossal dimensions does not the danger assume, when you have to do, not with a colony, but with the *world*." As I have already said, the power and influence which christendom is now exerting on the condition and affairs of nations, a universal revolution must occur at no very distant day; and it would seem from the conduct of the Protestant churches in this country, and from the language of this author, that through ecclesiastical influence, slavery is to be abolished all over the world; and this great—not European—but universal revolution, is to be achieved under the pretence of freedom. But we will quote further from this learned and eloquent writer. In his 16th chapter, he says: "What requires to be shown is, that the result has been obtained by the doctrines and conduct of the *church*, as with Catholics (although they know how to esteem at their just value the merit and greatness of each man) individuals, when the *church* is concerned, disappear." Again, in speaking of the slaves of antiquity, he says: "According to this opinion, slaves were a mean race, far below the dignity of freemen; they were a race degraded by *Jupiter* himself, marked by a stamp of humiliation, and predestined to their state of subjection and debasement. A detestable doctrine, no doubt, and contradicted by the nature of man, by history and experience; but which nevertheless reckoned distinguished men, among its defenders, and which we see proclaimed for ages, to the shame of humanity and the scandal of reason, until christianity came to destroy it, by undertaking to vindicate the rights of man. Homer tells us that "Jupiter has deprived slaves of half the mind." It seems then that individual slavery was the product of Jupiter, peculiar to, or was to be regarded as exclusively peculiar to, the Jovian era; and that by its abolition under the Christian era, national slavery was to become the slavery of Christ and peculiar to the christian dispensation. Run your mind over

Europe and ask and ascertain how much freedom has ever existed there under the force of the national bond of service. Again, he says: "The favor and protection which the *church* granted to slaves rapidly extended." And, in speaking of the influence the *church* exerted upon the subject of slavery, he says: "The council of Epaone ordained, that if a slave, guilty of any atrocious offence, takes refuge in a church, he shall be saved from corporeal punishment; but the master shall not be compelled to swear that he will not impose on him additional labor, or that he will not cut off his hair in order to make known his fault." "The *church* had therein no wish to protect crime or give unmerited indulgence; her object was to check the caprice and violence of masters; she did not wish to allow a man to suffer torture or death because such was the will of another." It would puzzle any man to determine from all this, what had become of the *civil* tribunals. He begins his 17th chapter, on this subject, in these words: "While improving the condition of slaves and assimilating it as much as possible to that of freemen, it was necessary not to forget the universal emancipation; for it was not enough to ameliorate slavery, it was necessary to abolish it." I cannot make as extended quotations as I could wish for the illustration of my subject, without occupying too much space; but the curious reader might find in the chapters of this writer on slavery, in his work on the comparison of Catholicity and Protestantism, a full and explicit description of the manner in which the great revolution, in the form of European society, was achieved—by the abolition of individual, and the substitution in its stead of the national bond of service. All this was done, under the pretence of giving freedom to man, and, I will ask, has the world yet witnessed as withering, blighting, blasting despotisms, as have grown up as the direct and legitimate consequence of this revolution?

The twofold condition of the population now under consideration, presents this question in this aspect of voluntary and involuntary service: the slave is the involuntary, the free negro the voluntary servant. What is the condition of each? What fruits have these conditions yielded? The free negro is subject to the control of the whole State, the slave is subject to the control of his master alone, under the protection of the State. Contrast the two conditions, and which presents the highest order of morality, industry, intelligence, comfort and ease of life? Which has to the greatest extent increased

and multiplied the fruits of the earth and most contributed to social and intellectual developement? Individuality produces, as its result, freedom—nationality produces despotism.

In thus viewing this question, this proposition is to be kept steadily in view and adhered to with the utmost strictness: that *we* are alone to determine this question, its character, and ultimate disposition, from the intinsic nature of our own institutions and principles of government, without the slightest regard to opinions which may be entertained or expressed beyond our own limits. Others may entertain their own peculiar views as to what should be our policy on the score of humanity or freedom, but we must judge and act decidedly, promptly and firmly for ourselves, with a view and for the purpose of relief, and permanent relief. Others may disregard the most solemn obligations of plighted faith, and assail us; while we, for our defence, must entrench ourselves behind our individual and social rights and act without being influenced by the feelings of a false philanthropy, which is but the offspring of a blind and deluded fanaticism. We must act with fidelity, stern fidelity, to the integrity, and inherent force of those institutions of governments which Providence has allotted to our protection; while it will be for others, if they see fit to faithlessly assail us, and win for themselves in our future history, even to the extent of a half section of the Union, the character of *thief*.

Exercising then our *own* judgment, as to what is for our own good and safety, what is the character and extent of the rights of the free negro population, and what power have we over them, and what disposition shall be made of them? The rights of the citizen, in the slave population, primarily antedated and was paramount to the Constitution, which guarantees protection, only, and not the control, of life, liberty and property. This guarantee, in the nature of a compact, is from all to each, and from each to all; and whenever anything arises to impair the right in, and usefulness of, *property*, the terms and elementary principles of the compact, demands its removal. The legislature, or rather the people, neither through the legislature, nor through their sovereign organ, a convention, ever guaranteed directly the privilege of manumission, unless it was by implication in prescribing the mode of evidencing manumissions. We know, at a very early period, they were expressly prohibited, and we find the reason assigned for both the prohibition and the manumission in the case of

Peter and als. *vs.* Elliott's exe'rs, reported in the 2d Harris and McHenry's Reports, where the owner of the slave declares, "that upon application being made to Mr. Erickson, to witness the deed, he at first refused, saying, that he could not think Mr. Eliott to be in his senses, as he had expressed great abhorence to the measure a few days before, and conceived it to be highly *injurious to the country*. Upon this being communicated to Mr. Elliott, he in a fretful manner answered, that such changes could be done in an instant, signifying that it was an act of Divine Providence; *that his conscience was extremely uneasy, and that he could not rest until he set his negroes free.*"

This extract, and particularly the last sentence, illustrates the operative feeling which controlled individuals, for many centuries, under the influence of ecclesiastical power and persuasion, to give their property, to a very large extent, to religious purposes; and I think a little inquiry will inform us that manumissions and the abolition of slavery have originated from the same source. The acquisition of property, through religious influence, exerted at the hour of death, was for the purpose of wealth and power; and we shall be able to determine, that this world-wide abolition of slavery, is due to the same influence, exerted for the same purpose. This is written in illustration of the truth of the position assumed and asserted in the minority report, that the ecclesiastical governments were laboring to effect the abolition of slavery—an inquiry, into the *purpose* of which our friend, the author of the minority report, has not entered; and it is now my object to show it. Under the force of this *religious* influence in Europe, as shown, the abolition of slavery was effected; and under the exclusive force of this influence, it has been largely effected in this country—and so far has it progressed, that one of the churches, at least, has incorporated into its organization an ordinance in the nature of a *law*, that no member should own a slave. As I have said already, at an early period manumission was positively prohibited, and no direct authority has ever been given to exercise such a privilege; and hence, manumission, through religious influence, has been exclusively an individual act, in merely permitting that which was *property* to run at large, without the control of the individual owner. This property, thus allowed to run at large, never acquired any higher right, by the manumission, than the privilege of going at large and working for itself; and this privilege arose

from the act of owners and not from a grant from the social power working through compact. Apart from the prohibition, to which I have already referred, this privilege, thus granted to property, was found at an early period of our social existence to work a grave evil upon the body politic and upon the interests among which it existed, as our legislative history fully attests, so that, from the very adoption of our Constitution, laws were restricting and controling it. It is a grave mistake to suppose that acts of Assembly have allowed manumission, it was the act of the individual owner of the property, and from its commencement to the present time, all the legislation upon the subject has been solely to establish police regulations to control and regulate this property when let loose to run at large ; and, indeed, to hedge it in, and hem it in, and restrain it to any extent, that might be found necessary, to protect those interests among which it lived and moved and had its pernicious being. Very shortly after the adoption of the first Constitution of the State, we find the legislature passing acts, not to authorize manumission, but imposing a penalty for the intrusion of this population into the State ; and this could have been done only on the ground, that the tendency of their presence, was dangerous and pernicious. From that time to the present we find repeated acts passed by which the legislature declared the right, not only to limit and restrain them, but, with the Court of Appeals, practically pronounced them a vicious and dangerous population—disastrously affecting all our interests—agricultural, intellectual, moral and political; and particularly acting most disastrously upon the interests of the owner in his slave. So specific and pointed was this last sense of the legislature, that an act was passed, as a police regulation, prohibiting owners and those having them in their employment and under their control, from permitting the slaves to go at large and work for themselves—manifestly wholly on the ground, that the example would work disorder, insubordination and an evil tendency in the institution of slavery. Correlative with this act, is another, which prohibits, under a severe penalty, the incitement of discontent among the slave population, whether by newspaper publications or by pictorial representations. Their egress and regress from, and into the State, have been prohibited also, by repeated acts in various forms, and the violation of these acts was to be visited with penal consequences ; citizens are prohibited from hiring such as immigrate ; and surely nothing but an imperative necessity could have

induced or justified the legislature in passing such acts to control the citizen in the exercise of these rights: and it must have been a strong case, to have justified the exercise of the principles of the compact of government, to thus control the social and elementary rights of the citizen. Acts have also been passed by which they were banished, at the moment they were manumitted, or so soon as they could be released from every claim of the creditor. All these acts have been recognized as constitutional, as growing out of the necessary exercise of the principles of the social compact, for the *protection* of the social rights against those which were the offspring of individual grant; and this action is based upon that clause of the Constitution, which guarantees the *protection* of property, against all nuisance or hurt or injury or destruction; and it does seem to me, that the whole of the slave-holding section must have demonstrative knowledge of the fact, that the presence of the free negro, is not only rapidly impairing the value and efficacy of the institution of slavery, but is positively and certainly achieving its *destruction*.

The policy of the people of the State, as repeatedly expressed through the legislature, would never have been adopted and executed as it has been in reference to this class of our population, unless it had been felt and known, that they were a nuisance, and effecting the most destructive consequences, to higher and stronger and more valuable interests and rights; and such a policy could never have been constitutionally enforced upon them, unless they were regarded merely as *property* permitted to wander at large by the consent and act of the owner; and that they were not citizens, and possessed no more rights under the Constitution, or by virtue of the social compact, than they did before their manumission or the slave now does. It is trifling, and most egregious trifling, in an intelligent and free people to be thus acting upon a class of beings for their degradation, and without any practical or real benefit to any one. Our policy of legislation has been constantly to deprive them of privileges—to restrain them in the exercise of volition; and we have thus added by each successive act to their degradation—while that degradation has continuously increased with an injurious effect upon those interests upon which they have exerted an influence, and in sight of which they have lived and are living in a state of idleness, immorality and thieving—so as indeed to exercise a much more powerful influence as a sensible, living representation, than any publication or pictorial representation could do.

In order to insure improvement, the door of hope, beyond a present condition, must be open to the being who is the subject of that hope. All our legislation and the nature of our institutions, has, through the past and must through the future, effectually close this door to these people; and in the condition thus described, they are not working only the certain destruction of the second most valuable species of property among us, but they exist as a settled and noxious miasmatic influence upon all our most valuable and progressive interests—moral, intellectual, social and agricultural.

They can never rise to an equality with the citizen; and that they are not the latter, has been repeatedly determined by the courts in both slaveholding and the non-slaveholding States. This equality, the nature of our institutions, the distinction of race certainly and unerringly stamped, and the destructive and impracticable effects of amalgamation, imperatively prohibit. They have been manumitted simply as property, permitted to go at large by the consent of their owner, without any rights under the Constitution, beyond those they possessed before manumission, or which the slave now posseses; and under these circumstances, for them in this condition, a place and means have been provided for their transportation and settlement; and the place and means thus provided, they have refused, and still do refuse. This then is their condition—that they are property permitted to go at large by the owner, and in this condition, they certainly are to a demonstration, working the most serious consequences to the community in which they exist. In this condition, they are rapidly increasing; while, with greater rapidity, the white population is decreasing; and by their cheap labor and peculiar habits and situation, they are progressively degrading, and expelling from among us, the labor of the white laboring man. In this aspect of the case, would not the policy of a supervisory control, as proposed by the majority of the committee, work most disastrously upon the white labor of the State, when the latter will be required to compete with the labor of the free negro in an organized, directed, compulsory and increasing form?

What then shall be done? They have been told and know, and let them be again told and know, that ample means have been provided for their transportation and colonization; and if they will not go, so as to afford us the relief we demand as intelligent freemen, it is our duty and an act of self preservation, that we shall return them to

the slavery from whence they came, and thereby subject them to the force of that strict disciplinary system, which is indispensable to the efficient and beneficial maintenance of every institution. It would be well worthy of a strict inquiry into the policy and conduct of those appointed to transport and colonize, and ascertain the relative number of slaves and free negroes transported and settled.

Vigilance, divine or infernal, is indispensable to permanent success in every pursuit, whether of individuals or nations, and whether that pursuit be for evil or for good, and this doctrine is peculiarly applicable to the maintainance of the institution of slavery. Slavery, as it exists among us, is an institution, and as such it ought to be maintaied and enforced. Efficiency—usefulness—productiveness, and the consequences of the execution of these qualities, ought to be the primary and paramount object of consideration with us. To effect these consequences, two great characteristics of control are necessary to be possessed and exerted—vigilance to guard, and discipline to direct and execute. Vigilance is indeed that essential trait to be exerted for success in every pursuit, and the defence and preservation of every institution, and in nothing more than in the efficient enforcement of the purposes of the institution of slavery. Eternal vigilance is the price, the divine or infernal price, of freedom or despotism. Neither of these can be maintained, without its sleepless exercise; and it is equally indispensable in every business and pursuit, governmental, social, domestic, agricultural, intellectual, moral and religious.

Discipline is the next characteristic which should be most prominently applied, in the productive execution of this institution. Without it, the institution is worthless and the source of annoyance and loss. With it, the institution becomes a pleasure and a profit to all who may have an ownership in it, and be interested and influenced by its presence and power. No literary institution could be maintained without protecting and guarding the pursuit and progress of all who are interested in it; and sleepless vigilance and intense labor are necessary to success in the aquisition of that knowledge which is the design of the literary institution; and if a part of the teachers or of the taught, should be permitted to wander at large, without control, in a state of idleness, sloth and dissipation, destruction would be the certain result. So it is with the institution of slavery.

An army cannot be maintained without discipline, and strict discipline; and if a part of the officers and soldiers should wander about

at pleasure in a state of disorganization and insubordination, all power of control is gone, the military organization is broke up, corruption, disorder and inefficiency becomes predominant; and then disruption and defeat must be the sure, the unerring result. These propositions are the demonstrations of truth, of eloquence and tried fact; and thus it is with the institution of slavery.

Such then is the light in which this institution of slavery is to be regarded—that it is an *institution*, and, as such, is to be subjected for repose, usefulness and productiveness, to a strict discipline and to a sleepless vigilance; and in this aspect of the case, let one imagine, indeed, reason out, without the evidence of a tried, known and existing fact, what would be the effect of permitting, progressively permitting, a portion of the members of this institution to go at large in a state of idleness, immorality, worthlessness, vice and disorganization, in full view of the other members. upon whom it is attempted to enforce the rules and laws of the institution. Is not this demonstration clear proof to the extent of unanimous condemnation; and particularly so when the condition of the free negro is presenting such known and pernicious results?

A little inquiry and reflection will teach us, that in reference to the subject of slavery, our society was and is, a great State institution. Prior to the adoption of the Constitution, all stood upon terms of a natural and social equality in their rights to *property*, and the negro slave was then, and was treated as, property; and the adoption of that instrument worked no change in the character and condition of these rights. It only confirmed them, by simply, but unqualifiedly, and without limit, guaranteeing their *protection*. In the protection, thus guaranteed, of their rights, all stood upon an equality, and the compact of guarantee, of all to each, and of each to all, was that there should be no injury, hurt, or nuisance to these rights. But this compact has not been observed—a portion of the parties to it, have permitted their property to go at large, without any restraint, (except such as the whole people have imposed), to not only the hurt, but to the ultimate destruction of the whole of the slave property; and this is done in palpable violation of the terms of the compact, and to the effect of the dissolution and subversion of the institution to which the compact guarantees protection.

I will here briefly advert to a doctrine which has become most perniciously popular, and which, in my opinion, if not arrested and

corrected, is destined to work the destruction of our institutions of government. This doctrine is, that the majority, in the exercise of an unrestrained will, has a right to do as it pleases; and consequently, that whenever a *majority* of the people of the State shall so determine, slavery must cease to exist. As I have stated already, slavery was and is *property*, and as such, its protection was guaranteed by the adoption of the Constitution as a compact; and if the majority can, in the exercise of its will, decree and enforce its abolition, it can decree and enforce the same result in reference to any other species of property: it could decree, and enforce the decree, that no man should own a horse, or an ox, or an ass, and discriminate and determine arbitrarily what should be treated and recognized as property. This is the doctrine of all the unrestrained despotisms of the earth; and is not, or certainly should not be, the doctrine of a free people; for if it is, man has made no revolution in the direction of freedom and government, and in the nature of governmental organization. The truth is, the *rights*, and not the power, of the majority and minority are EQUAL. The rights of *five* are not greater than those of *one* citizen, and yet their power is, and when exercised to deprive the *one* of his rights against his will and pleasure, a tyranny is established and enforced; and this latter would be the result whenever the majority, in disregard of the constitutional guarantee of equal protection of equal rights, shall abolish the rights of slavery.

Suppose we of the slave-holding section are in a minority, yet the majority would have no *right* to deprive us of our property in our slaves; because the right of the minority, by the compact of the Constitution, is *equal* to that of the majority—even to the extent that *each* member of the compact could hold and maintain his rights against those of all the members—each being equal to all, and all being equal to each in *rights*, and not in *power*. Power is not right.

The majority may have power, by virtue of its numerical strength, to abolish, by usurpation and wrong, the rights of the minority; but the force of numbers does not constitute right. The latter is the result, under our system of compact, of agreement founded on nature, so as to give to each one the same rights with all the others.

For the purpose of maintaining this state of our social and equal government, there is a constitutional guarantee of the protection only, and not the control, of property; and thus viewing the subject, we can as a right demand the passage of such laws as *we* shall deem neces-

sary for the protection of the property we hold under the constitutional guarantee, against the vicious and destructive influence of that which has been permitted by the owner to go at large and without restraint.

All this suggests another view of the question of the right to slavery and of the free negro population. It has been habitual from the foundation of the government, for the doctrine to be advocated, maintained and enforced, that the majority, in the exercise of its unrestrained will, can do as it pleases; and acting upon this false principle, the majority exerting its *power* and not its legitimate right, through a legislative or conventional agency, has not only abolished slavery in many of the States, but has passed arbitrary laws prohibiting those who own them from carrying them within their limits for any purpose. This is, in my opinion, in direct and fatal conflict with the nature and power of free government. Every citizen in this country has a right to carry and own his property, of a kind of his own selection, when and where he pleases, and a violation or deprivation of this right is the exercise, by the mere force of numbers, of a despotic and tyrannical authority. A majority can become a despot, and may wantonly and tyrannically exercise, under our form of free government, all the powers which a despot with an unrestrained authority can exercise; and such is the result, when a single citizen is prohibited from owning what property he pleases. Every government should be founded on the principle of protection alone and not of control, and to exercise and enforce the latter power is usurpation; and the acquisition and possession and abandonment of property is, or should be, the exercise exclusively of the individual privilege.

This principle is equally applicable to the Territories. Every citizen has a right to go into them and settle with his property, of whatsoever kind his own free will may select; and it is the duty of government to protect and not control him in its enjoyment; and the people of a Territory have no *right*, either before or after the formation of a State government, to interfere with the *rights* of a single citizen in his property. To protect and not to control was the primitive element in the formation of all our governments; and it is a sad and melancholy state, when the majority shall assume the prerogative of becoming a despot and subverting the first and elementary principles of free government by the exercise of its own unrestrained will.

Equally pernicious, indeed, destructive, is the effect, if the injury

or deprivation of rights is to be effected by individuals in letting their property wander at large; and whenever such a state occurs, it is the bounden duty of the government, growing out of, and resting in, social compact, to interpose its power and remove the evil.

The free negro population started as late as 1790 with the number of a few hundred, and now it is ninety thousand strong—strong for evil, morally, socially, intellectually, physically, spiritually, in agriculture, and in all those elements which are essential to the stability, integrity and progressive improvement of society. At the time we find this population to have increased most rapidly, and to an alarming extent—destructive and vicious extent—we find the white population to have diminished to a still greater extent. In some of the counties the white population has diminished nearly one-half or a third, while the free black has more than doubled or trebled; and thus we have demonstrated that this property, which individuals have permitted to go at large, without any individual control, is undermining, dissolving and expelling the rights and elements of the social compact. So that, in fact, we know from sensible and demonstrative results, virtue, industry, intelligence, manliness and progression are rapidly yielding to, and crumbling away before vice, sloth, ignorance, meanness and retrogression. Under these circumstances, ought any one to hesitate for a moment as to the course to be pursued? We are not to look beyond our own limits and our own institutions for the power, either of opinion or of government for our guidance and control; but we are to rely wholly upon the power we ourselves possess, growing out of our rights, to bring us the relief we demand; and knowing our condition and what that condition demands, we are to exercise our own power for our relief promptly, decidedly, firmly, and without any influence from feelings of a false humanity.

In connection with all the views thus far expressed there is another principle, which it is necessary we should properly understand and enforce, for our protection in the peaceful enjoyment of our slave property. Our government is of a twofold organization, divided into the civil and ecclesiastical; and under such an organization the former has an unlimited power to protect all the rights within its circumscribed and defined limits. As a consequence from this, the latter has no right to exercise any power for protection; and thence certainly not for control; for the exercise of the latter power by any government of any kind, is at all times an interference with the social right

and a usurpation. It is the duty then of the ecclesiastical governments, not only not to interfere with the rights to property, in any form, but to preserve silence upon the question, and to confine itself exclusively to its legitimate constitutional and Biblical purpose and design of teaching spiritual morality alone.

Thus viewing the ecclesiastical governments in connection with property, a fit occasion is offered for considering, more positively and directly, that European revolution of which we have spoken. But before we proceed to that subject it may be proper to advert briefly to man as he has existed in society in connection with service. Service, as shown by the undivided experience of the past, is indispensable to the organization, order and well being of society. This is demonstrated from the condition of that society from the very beginning, running through a period of more than five thousand years; and what we find to have thus existed, universally, at all periods among men, individually and nationally, is the offspring of a Divine law—it is by Divine appointment; for it is said by a wise and logical mind, the powers that be, not their abuses, are ordained of God. The truth is, man in his progress from the beginning to the present time, like Hogarth's line of beauty, has formed one continuous oscillating line; and the departure from any one simple condition, has grown out of the force of varied passion controlled by circumstances. The human race is perhaps as much a department of nature and as much under the control of the laws of the Deity, as the light, the air, the rains, the trees of the forest, or the vegetation of the earth; and throughout its diversified and checkered career, exhibits as much the character and purpose of the Deity, as the air with its noxious miasmas and its desolating hurricanes, or the light that is casually and transiently obscured and intensified with gloom. God has, everywhere, among every people, under every from of government, proclaimed to us that service is a department in his great economy of nature, of his order of creation; and this being the *truth*, as disclosed by all the revelations of the natural law, the grave question arises, what shall be the form—shall it be voluntary and national and despotic, or shall it be involuntary, individual and federal and free?

This brings it back, as you must observe, to the original and main proposition of this letter: the source of the abolition of slavery and the universal revolution which was achieved throughout Europe in changing the primary and elementary bonds of society from individual

to national, from free to despotic. The primary and elementary bonds of society, are the matrimonial, or that of husband and wife, the parental, or that of parent and child, and the servile, or that of master and servant; and out of the inherent and elementary action of these, there necessarily and legitimately results government. Each of these bonds, for its maintenance and execution, demands service and control; and hence we find Paul declaring, that they must be preserved and enforced in an individuality and in their primitive form; and the instruction he gives on this subject is simple and positive: wives be under *subjection* to your *husbands*, husbands love your wives, children *obey* your *parents*, parents rule your children with wisdom and affection, servants *obey* your *masters*, masters be kind to, and rule with wise discipline your servants; and then follows another command: that ye submit to the government under which you live; and in these brief and simple instructions we have a description of what is true and legitimate government. It will be observed that there is here, and the same may be found everywhere in scriptural teaching, a recognition of the individuality bond as that which was right and proper. It was manifestly not the design of these teachers to break up these bonds, which they knew could not be done without disastrous consequences, but to purify them and correct their evils, by the law of persuasive discipline, instead of commanding and controling them by cruelty, hatred and force. These bonds, if I mistake not were founded in an individuality and not a nationality, at the time of the advent and establishment of christianity in Europe; and in their character and the basis of their existence a universal and unqualified revolution has been wrought by the power and influence of the church, or ecclesiastical government, which acquired the supremacy over that continent. The bond of marriage, of parentage, and of service were from the first—are all older than history; and all rested upon the basis of the involuntary and federal individuality of control until they were subjected to an entire revolution through ecclesiastical influence and usurpation. What has been the effect of that revolution? Wives have been subjected largely, indeed almost exclusively, to another influence than that of the husband—children to another influence than that of the parent, and servants to the unqualified control of *one* blasting and blighting despotism; and hence, slavery, all over the continent of Europe, is writhing and groaning in *national* chains, until, if all its misery and suffering of one year, could be collected in one

groan, it would convulse this globe. Christianity has thus been made to achieve, may I say, a disastrous revolution in the organization of society, when its principles were only designed, in reality, to ameliorate the condition, and not to break up and revolutionize the bond of individual and federal service.

Instead of that forcible control, which Paganism recognized and exerted as the law of government, Christianity, by its humanizing and charitable precepts, sought to substitute in its place the power and influence of persuasive control; and this presents a fit occasion, to notice the proposition of the majority in relation to the government of this population. The evil spirits are said to care for, because they have an interest in, their own. Under individual control there is a mutual sympathy and kind feeling between master and servant, because of personal association from youth to manhood; and there is, necessarily exerted a kind care and watchful providence, because of interest and reciprocal dependence. This is the offspring of the individual and federal bond, which the pure heart and divine mind of the Author of christianity, sought to molify and rightly direct by teaching and admonition; but all such influence ceases when the bond of service becomes general and national, and must be maintained by force and with no admixture of kindness growing out of association or interest. This latter is the condition of the European voluntary service, where the bond of force is national, and unalleviated by any individual sympathy or interest; and in this aspect of the case, what must become the condition of these people, but that of degradation and suffering under the control of a gerenal superintendant appointed by State authority? This would be enacting here, just the policy which has been enacted in Europe with such pernicious effects to individual character and condition.

It is said, in the quotations made from Catholic authority, that the design of the great revolution which was achieved, was to act upon the masses by a general authority, so as to subject every individual to the power of that authority; and consequently the result was the overthrow of all individual and federal control, and the substitution in their place of the national and despotic control. Such was the revolution effected in Europe through the exercise of the ecclesiastical power and influence; and what has been the resulting condition of this revolution? Slavery has become national instead of individual, upheld and sustained by force alone; marriage has become largely na-

tional instead of individual, and parentage occupies the same position; and this condition was produced and established by the ecclesiastical power; and there then followed two results, as a necessary and indispensable result for the maintenance of this condition: that the ecclesiastical became indissolubly united to the civil authority, and its establishment and its perpetuity demanded the organization and maintenance of an indispensible military authority; and the grand result of the whole process of this wide-spread and continental revolution, has been and is, the fiercest, most inexorable and withering, blighting, and blasting despotism the sun has yet gilded, or upon which Deity, enthroned in infinity, has yet frowned.

Such has been the result of this extended revolution—of this breaking up of the individual and federal, and the substitution in its stead, of the national and despotic bond, preserved and enforced by standing armies, unparalleled in the world's progress for their magnitude; and we are told by Divine and unerring authority, that both wisdom, and wickedness, are justified of (or indicate) their children; and that all things, whether men, or the institutions of men, are to be tried by their fruits; and the human rule of judgment is universal, that all intend the consequences of their deliberate acts. What then was intended by this great revolution? The answer to this question is direct and unhesitating: usurpation, the suppression and destruction of individual rights—the taking the wife from under the control of the husband—the taking the child from under the control of the parent, and the unqualified abolition of the individual relation of master and servant—so that, equally and alike, both the latter, on the same and equal platform of subjection, shall do equal service to the ecclesiastical power and its individual rulers.

It will be remarked that for the purpose of this revolution, the attack was first made on the servile bond; and after this fortress of social freedom is stormed and taken, then follows a successive and successful attack upon the bonds of parent and child, and husband and wife, and this done, the work of despotism is complete. It would seem that the same policy has been adopted in this country, for the servile bond has been the first attacked, and in a large portion of this Union the attack has been successful, and *there* seem to be concentrated all the fanaticism, bigotry, intolerance and religious delusion of the universe; and woman is especially victimized and controlled by religious influence and delusion; for it may be pretty generally observ-

ed that she, owing to her peculiar organization and temperament of delusive credulity, is ever the unwitting instrument of ecclesiastical usurpation.

If this great European revolution has produced such results there, are we not to anticipate the same here, when the like means are resorted to; for like will produce like, and the same cause will ever beget the same effects? The greatest statesman of our revolutionary era, and who performed his part in that scene of freedom's struggle, well, and indeed with masterly ability, declared that he had understood and beheld with dismay, the certain and gigantic strides which the ecclesiastico-civil authority had made and was making to despotism, on the European continent; and if he was now alive, and knew, and saw, what was enacting, in the exercise of the same instrumentalities in this country, would he not look on with equal dismay at the certain and anticipated approach of a similar catastrophe with us? So far has this process of revolution progressed with us, that some of the most refined and strongest bonds of union between the two great sections, have been very nearly if not quite broken asunder; and if the tales that are told be true, the Methodist church, following the unerring European example, has been the first to begin and propel this work of aggression and usurpation; and nearly all the other churches, following this example, have marshalled themselves under her banner; and under her lead, have engaged zealously in the maintenance and prosecution of this sinister and insidious combat against freedom's being and freedom's laws.

We are told, upon good authority, that the fallen spirits, though grim, black and scowling of visage, because of the influence of the fall, can yet transform themselves into angels of light:—"Those male, these feminine: for spirits, when they please, can either sex assume, or both, so soft and uncompounded is their essence pure; not tied or manacled with joint or limb, not founded on the brittle strength of bones, like cumbrous flesh; but in what shape they choose, dilated or condensed, bright or obscure, can execute their airy purposes, and works of *love* or *enmity* fulfil." For centuries, indeed I do not know that I may not say, from the period when the church had acquired a strong and permanent organization, property, to a vast extent, was extorted from the frightened victim on his deathbed, to enrich and energize ecclesiastical usurpation; and what horrors have been thrown around the death bed of the slave owner by these "spirits"

until manumission was effected, under the subtle pretence that manumission was to smooth out the victim's pathway to heaven and secure the salvation of his soul; and whenever this work of manumission has been permanently effected, it has been followed, as experience has thus far shown, by a fiendish and crushing despotism. We may thus form some correct idea of the true origin and purpose of the abolition of slavery by organized ecclesiastical power and not by the voluntary action of individuals. Government is designed to protect alone the rights and control of individuals, and as soon as it assumes the province of control, there ever follows disastrous results. Individuality is a technical term of nature, and imports that the man shall think and act as he pleases under the protection of government, provided he does no wrong to the rights of his fellow man.

"The hirer careth not for the hireling," is a maxim as old and as extensive as human society; and this rule acts with imperative force where the hired is *subject* to the control of *all*, and the fruits of his labor are extorted from him by force at the point of the bayonet or under the terror of the lash without a feeling of *individual* sympathy in his favor—and where, in such a condition, he cannot experience the impulsive kindness of woman's nature. Hence it is, that before the great revolution in Europe, the people could sometimes be called by the free term of *citizen*, and now they are only as *subject;* or, indeed, are generally addressed and treated as my people, my subjects, or the SHEEP of MY pasture.

These relative conditions of service—of the voluntary and involuntary—were placed in striking contrast, with their peculiar results, among the States of antiquity. Side by side with the eastern governments of Persia, Media, Babylonia and others resting on the national form of service, were placed those of Greece, Rome, the Ionian Republics and others of the individual and federal form of service; and the former produced little but slavery, degradation and mere material and sensual splendor, of personal adornment and monumental structure; while the latter have poured out in golden profusion the rich treasures of the intellect, progressively improving in their effects and as enduring as the existence of man on this globe. The national or eastern form produced the fruits that perish, and are now only being exhumed from the earth in a fragmentary and useless shape, without adding anything to human culture; while the other has produced fruits that are as indistructible as the human intellect in its created condition;

and which have and will diffuse a moral and intellectual influence throughout the world's civilization, not only for the past, but for all future periods. The proudest and noblest poems, histories and orations, which were the quickening and energizing pioneers of *our* civilization, were the exclusive offspring of the federal form; and it is historically and literally true, that our present form of worship and knowledge of the living God, with their expanding and expansive power for unlimited progress, had their origin and perfection under the action and influence of the same form. This worship and this knowledge of the living God, in their active application through appropriate agencies, are breaking up the strongholds of idolatry everywhere, and progressively exfoliating the errors of the delusion and ignorance of the past. As an evidence of the truth of this last proposition, we might refer to the Jewish nation, which, dispersed and despised as it is, exists as the exulting conqueror of christendom; and three hundred years will not have elapsed before all the strongholds of the error and delusion of the universe will have been broken up, and this same degraded and dispersed nation will stand forth and proclaim, in exultant and trumpet tones, This is my great work! And with us, for the purpose of working out these grand results, we maintained, in all their native integrity, the three primary and elementary bonds of society.

It has been charged upon our form of service that it has produced with us decay—morally, physically, intellectually and agriculturally. This is an error. If there has been decay in any or all these elements of our society, where the involuntary bond of service exists, it is the offspring of its improper use or application; out of the working classes at every period the greatness, and particularly the inventive greatness of the earth, has come; and with us this class has been most signally and shamefully neglected. It has been left to toddle along in ignorance, without the help of those intellectual agencies, which can enable its members to rise to eminence by invention or discovery and in all the learned professions, and thus contribute to the inventive progress and improvement of that section in which it has pleased Providence to cast its lot. Give to this class (in which is the real talent of our section) education and knowledge, and thereby quicken into active being the element of invention, and our section would, on its face, soon wear the aspect of brightness, inteligence and progression, and not of ignorance and gloom and stagnation; and for the accomplishment of this great purpose, give exclusively to the white man (who has alone

shown a possession of the *inventive* faculty) all the mechanical and scientific pursuits, and then we should find attached to these pursuits all that elegance of beauty and sublimity which education, invention and emulous skill can impart.

The relative speed with which error and truth have made their respective conquests, would form a subject of interesting and instructive inquiry. Electricity, when condensed, against its own general and conservative nature, will travel with inconceivable and destructive speed and power; and error, condensed, will travel booted and spurred half round this globe while truth is putting on her clothes. From the remnants of her decay, which furnish us with circumstantial evidence, we are decidedly impressed with the belief that the conquest and triumph of idolatry were speedy and almost resistless; and the intellectual and moral efforts of master minds, for more than three thousand years, have not been able to undo what idolatry has achieved in a few centuries. By delusive agencies, through the period of a few centuries, the primitive bonds of society have been revolutionized and broken up by ecclesiastical power and influence, and sheer ruthless despotism has been the result; and as a consequence it is more than probable that the human race, through the lapse of thousands of years, must fight their way back through an atmosphere of blood to freedom. (I have thus briefly, in this tautological letter, in the way of suggestion, said all that I ought perhaps to say; and will, in conclusion, only remark that our future policy should be not to permit, further, manumission to remain among us; and to furnish the means of removal and say to the free colored population of this State, if you are not gone by a day certain, you must select masters and return to slavery, as a protection to and security for our interests, and your moral and social comfort and well being.

Yours, respectfully,

ROBERT S. REEDER.)

THE REFORM QUESTION.

[From the Port Tobacco Times.]

Mr. Editor:—I send you a copy of the Speech delivered by Mr. Reeder, in the Legislature of Maryland, on the proposition to call a Convention to *reform* the Constitution. Those who, in their sightless zeal, are so earnestly the advocates of a Convention, act as if they thought reform was to be effected in a moment. Reform is essentially a plant of slow growth. There is nothing which so much requires time for its accomplishment. How conclusive an illustration is found in the system of Christianity. The very element of that system is *reform*, and it has been operating for more than eighteen hundred years, and yet how little, comparatively, has been done. Although *reform* is the element of that system, yet it is equally an element that it can only be *created* or *grown;* and in not one of its principles is the capacity to MAKE reform recognized. It attacks no form of government, it attacks no human institution, it simply scatters the seed of reformation, that they may *grow up* in the social mind just as the vegetation of the earth *grows up* from the soil. A constitution can no more be *made* than religion. Whatever is *made* is perishable—endures but for a time, and consequently can neither grow nor expand. Such was the fate of all the constitutions of antiquity—that they lived only for a short time and then perished. They were all MADE; and what is remarkable, they were made by one man, or a few men, who were appointed by assemblages of the people. Those assemblages were not perhaps called conventions, but they were as effectually so as if they had been called by that name. If with us a convention of the delegates of the people is called, a few only of the most talented will perform all the work, while the rest will be mere passive agents or spectators. It is thus that the constitution, being, as among the ancients, only the offspring of intellectual action, can never become identified with the popular mind. Darkness cannot comprehend the light; and these constitutions being constantly the fruits of the intellectual action of a learned class, through a conventional process, must ultimately establish an aristocracy, as among the States of antiquity, and then the destruction of liberty must follow.

A constitution cannot be *made*. It must *grow up* in the social mind just as the vegetation of the earth grows up from the soil. If *made*, it perishes—if *grown*, it is eternal. Man is gifted with the faculty of making and creat-

ing. The latter precedes the former; and the exercise of the creative faculty must be the source of growth. Let your conventions *make* as many constitutions as they please, and in a short time they will perish. Is there not proof of this in the fact, that those constitutions which were *made* only a few years ago, or, in the language of the sightless beings of the day, "reformed," are now to be *made*, or reformed, again? How great is the folly of man! How little does he profit by experience! Of the thousands and tens of thousands of governments that were formed among the ancients, upon made constitutions, how few exist! They are all gone. Not one lives even to tell the lamentable story; and there are only a few of their remains scattered here and there to denote they once lived. The secret of the destruction of governments for almost six thousand years, is unknown to man—and yet it is the simplest thing under the sun. A SUBSCRIBER.

SPEECH OF ROBERT S. REEDER, ESQ., OF CHARLES COUNTY, ON THE PROPOSITION TO CALL A CONVENTION TO REFORM THE CONSTITUTION.—Delivered in the House of Delegates of Maryland, in February, 1846.

The question now before us, Mr. Chairman, is one of the gravest character. Upon its issue will depend the liberty, not only of our own State, and it may be ultimately of the United States, but indeed the hope of human liberty throughout the earth.

Should the doctrines now advocated, to call a Convention by a single act of the Legislature, by the force of the uncontrolled will of the majority and contrary to any provision to be found in the Constitution, and consequently against the distinct process prescribed in that instrument prevail, it will perfect a return to that structure of government, which has in all ages proved ineffectual for the preservation of the liberties of the human race. Government has been a vexed and unsettled question at all periods; it was among the ancients a question of as great doubt and uncertainty as the question of religion. Speculations with regard to the true character of the Deity, filled all the States of antiquity. And government, among them all, was equally a subject of doubt and uncertainty. Among the ancients they were formed by casualty, and by the same means were they overthrown; and no proof, more conclusive of their erroneous structure, could be adduced, than that they have all disappeared and there remains not a remnant of their former existence.

Nor has this doubt and uncertainty, as to the true character of government, confined itself alone to antiquity. It has been equally an unsettled question in modern Europe. We live under one essentially different from any that has appeared before it, and it is eminently adapted to the preservation and perfection of human liberty. If we steadily adhere to it as it is *now* constructed, one hundred years will not have closed before the peculiar liberty of America will have spread itself over the earth. But if the doctrines now advocated should succeed, we at once return to that structure of government which prevailed among all the nations which have preceded us; and then in the stead of living under one, which it is our pride and our boast to call different from all others, it will become identical with all those which have heretofore failed to preserve liberty and insure the perpetuity of the institutions of men. It is more than probable, and indeed from every circumstance, I might say certain, that ours is the best experiment of a free government that will be made; and for the purpose of its preservation and perfection, it is necessary it should be rightly understood and duly administered.

Instances have been cited where individuals, residing in the western part of our State, have advocated the call of a Convention according to the mode prescribed in the Bill before this House. It is sufficient to say in reply to this, that that section of our State has been the recipient of nearly all, if not quite all, the bounties of government; and it may not be amiss to say, if these instances, thus cited for the call of a Convention, are made on the ground that the Legislature possesses an unqualified power to call a Convention, it may be, the authors do not understand what they are doing.

It has been said, that if one citizen in our State possesses the right to prevent a change of our Constitution, except by the mode prescribed in that instrument, then indeed do we live under a despotism as intolerable as that of Russia. Such a declaration indicates an entire misapprehension, I might say ignorance, of the true nature of our government; and it but shows that the most intelligent among us have yet much to learn of the character of our institutions. So far from a resemblance there is an exact dissimilarity in the two cases. Under the Russian government, the action of one man, where there exists no Constitution, produces a despotism, while under our government the action of one man, by force of the compact of which the Constitution is the evidence, preserves and maintains the liberty of

not only himself, but of all equally and alike. This of itself constitutes a distinction as palpable as the difference between light and darkness. This it is which constitutes the distinct difference and true beauty of our government, and is that *element* which alone renders it different from all that have preceded it; and I will say to those who are now opposed to me on this question, that if they shall abandon this great principle, which is their most precious jewel, let them not complain hereafter that it has become the property of another.

In order rightly to understand the structure of our government, it is *necessary* that we should advert briefly to the structure of that of England. Indeed a brief statement of the historical progress of our own, will constitute perhaps the very best description of its right structure and renders it easily intelligible. The English government is formed by a contract BETWEEN the *King* of the one part and the *People* of the other part—the king and the people are the contracting parties. Our government is formed by a compact *between* the people themselves. Contracts or compacts bind BETWEEN and recognize an equality of parties—hence the structure of the English government should recognize an equality BETWEEN the king and people as the contracting parties. Our government recognizes equality BETWEEN the people themselves—each individual citizen giving his distinct consent to the terms of the contract or compact. From this then results an essential difference between the two governments, and consequently what would prosper in one might be destructive in the other. The structure of the English government does not make the king the servant, agent or trustee of the people, but their *equal*. As distinguished from this, the *bond*, in our country, between the people and all those employed by them, is a *bond* of service and not the bond of a contract on terms of equality. I have thus stated these propositions with much repetition of language, because my wish is to make myself clearly understood; and I will now proceed to make good my propositions.

It is needless to run through the entire history of the English government, and I shall content myself with beginning with the Magna Charta of King John. It is, I presume, known by all, that prior, and, indeed, subsequently, to the adoption of that instrument, great and severe contests were maintained by the English people in defence of their rights, against the asserted assumption, by the king, of a

divine and absolute power. Such a contest brought Charles I to the block and expelled James II from the throne. Even John is said to have died of grief because the signature of Magna Charta was wrung from him by force and against his consent. Before that object was effected there was a long and fierce contest. Magna Charta was signed in a meadow through which ran a stream—and hence, historically, it is said to have been signed at Running Mead.

Compacts or contracts bind *between;* and for the purpose of being clearly fortified on this subject, I will give the definition which is received among men. Judge Story says, "compact in contracts, in its more general sense, signifies an agreement, in its strictest sense, it imports a contract *between* parties, which creates obligations and rights capable of being enforced, and contemplated as such *between* the parties, in their distinct and independent characters." In order to ascertain the character of the English government, let us examine the terms of Magna Charta. Its commencement is in these words:—"John, by the Grace of God, King England, Lord of Ireland, Duke of Normandy and Aquitain and ——— of Anjou, to his archbishops, bishops, abbots, earls, barons, justiciaries, foresters, sheriffs, governors, officers, and to all bailiffs and faithful subjects, greeting. Know ye that we, in the presence of God and for the salvation of our own souls, and of *the souls of all* our ancestors and of *our* heirs, to the honor of God and the exaltation of the Holy Church and amendment of our kingdom, by the counsel of our venerable fathers, I have in the first place *granted to God*, and by this our present charter have confirmed for us and our heirs forever: 1st. That the English *Church shall be free*, and shall have her whole rights and her liberties inviolable;" and then follows another grant in these words: "2d. We (that is John his heirs and successors) have also *granted* to all the *freemen* of our kingdom, for us and for our heirs forever, all the under-written liberties, to be enjoyed and held by them and by their heirs *from* us and from our heirs." The covenant for the faithful performance of the conditions of the great charter, from which I have just quoted, is in these words: "This is the covenant made *between* our Lord John, King of England, *on the one part*, and Robert Tibywalber and others, and the earls and barons and freemen of the whole kingdom, *on the other part*." It is to be observed from this language how much, very much, John undertakes to perform. He first saves the souls of the ancestors of both the contracting parties and then the

souls of their own descendants. He then grants to God that the English Church shall be free and shall have her whole rights. He then grants all the underwritten liberties to the freemen of England; and it may be well to observe here that the language contained in these quotations, puts the English people rather in a condition of agents, trustees or servants, or creatures, than of the creator or sovereign power. The covenant then proceeds to declare what is the character of the great charter, by declaring that there is a covenant *between* the king and the freemen. It is also a matter of special curiosity that the letter T, the first letter of the word "This," with which the covenant commences, is printed in pictorial and large type, and has Jesus Christ nailed to it as if to a cross.

Such was the character of the contract which was executed *between* John and the people of England. It is known that Charles I was compelled to give his consent to a somewhat similar contract, and that he violated it through the influence of the Queen and other evil counsellors, and the result was a fierce contest between king and people, by which he was brought to the block. It is also historically known, that James II violated the contract between himself and the English people, and he was thence compelled to abdicate the throne. The language used on that occasion, in reference to this subject, by the House of Commons, with the concurrence of the House of Lords, is conclusive of this proposition. In relation to this subject I will quote a portion of the language of the historian, and also the resolution which was adopted as expressive of the abdication of the throne by James. It is thus: "The convention Parliament met on the 22d of January, and upon motion in the House of Commons, it was determined *nem. con.* that on the following morning they should take into consideration the condition and state of the nation. Accordingly, on the 28th, the House resolved itself into a committee of the whole house for the above purpose, and the following resolution was agreed upon:

"*Resolved*, That king James, the second, having endeavored to subvert the constitution of the kingdom by breaking the original *contract* BETWEEN the *king* and *people*, and by the advice of the priests and other wicked persons, have violated the fundamental laws, and having withdrawn himself out of this kingdom, has *abdicated* the government, and the throne is thereby vacant."

Here, then, in this resolution, passed on the 28th of January, 1689, is a positive and distinct declaration of the character of the English government—that it consists of a *contract* BETWEEN the *king* and the

English *people*, and that contract is declared to be the *fundamental* or foundation law. That which is a contract in the English government, between the king and people, as two contracting parties, and is the fundamental law upon which rests the structure of the English government, is, in our government, a compact or contract between the people themselves as the fundamental law—each one of the people, individually, giving his consent to the terms of the contract or compact, of which our State Constitution is the evidence and contains the terms. From this distinction, as I have already said, follows an important and valuable inference, distinctly recognized in our government by those who have a proper knowledge of its structure: that with us all officers employed by the people are agents, trustees or servants, and held to their responsibility by the bond of service. On the contrary, in the English constitution, the king is a contracting party with the people, and consequently, is impliedly their equal. There is another important view in which this question is to be regarded. The throne was by this resolution declared to be abdicated. It could not have been, if the king had been a creature, and consequently elected and clothed with a delegated authority or the authority of an agent. Under our government, the fact of appointment or of election, and that annually, makes the government a trust or agency. And, further, if all the officers of our State where hereditary in their official rights, and such rights were obtained by inheritance, they would not receive their being by creation from the people, but would claim and hold them by a separate, distinct and elementary origin. At one time, the king asserted, and it was to a great extent believed, he had his rights by Divine appointment, although John, in the great charter, assumed the special care and protection of his God. Whether the people of England have yet positively determined from what source the king derives his rights, I do not know; but of one thing I am fully certain, that if we hold fast to what we now possess, one hundred years will not have elapsed, before the great discovery will have been made.

Having thus shown the fundamental structure of the English government, I will now proceed briefly to trace the historical progress of our own government, in order to ascertain by what process we came into the possession of it as it now exists. For the purpose of tracing it distinctly, I will begin with the charter granted to Lord Baltimore by King Charles, in the year sixteen hundred and thirty-two, and by

virtue of which our State was settled. It begins thus: "Charles, by the Grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, and to all whom these presents shall come, greeting;" and the commencement of the third section in these words: "Know ye, therefore, that we, (Charles, his heirs and successors,) encouraging with our royal favor the pious and noble purpose of the aforesaid Baron of Baltimore, of our special grace, certain knowledge and mere motion, have *given*, *granted*, and confirmed, and by this our present charter, for us, our heirs and successors, do *give*, *grant* and confirm unto the aforesaid Cecilius, now Baron of Baltimore, his heirs and assigns, all that part of the peninsula or chersonese, lying in the parts of America, &c., &c." The sixth section of that charter is in these words: "Now that the aforesaid region, thus by us *granted* and described, may be eminently distinguished above the regions of that territory and decorated with more ample titles, know ye that we, of our special grace, certain knowledge and mere motion, have thought fit that the said region and islands be created into a Province as out of the *plenitude* of our *Royal power* and *prerogative*, we do for us, our heirs and successors, erect and incorporate the same into a Province and nominate the same Maryland, by which name we WILL that it shall from henceforth be called." This brought our State into being, and it is WILLED into such being by the king, as though he was endowed with Divine authority. He assumes also the prerogative of decorating with titles this Province which he willed into being; and such is the high attribute of Heaven's King, to create and decorate the creation with titles. I will make one other quotation from the seventh section, which is thus: "And for as much as we have above *made* and *ordained* the aforesaid now Baron of Baltimore, the true lord and proprietor of the above Province aforesaid, know ye therefore further, that we, for us, our heirs and successors, do *grant* unto the now Baron, (in whose fidelity, prudence, justice and provident circumspection of mind we repose the greatest confidence,) to his heirs, for the good and happy government of the said Province, in free, full and *absolute power*, by the *tenor* of these presents, to *ordain*, make and enact, of what kind soever, according to their sound discretion, whether relating to the public state of the said Province or the private utility of individuals, of and with the advice, assent and approbation of the freemen of the same Province, of the greater part of their delegates or deputies, whom we WILL, shall be called together for the framing of

laws, when and as often as need shall require, by the aforesaid now Baron of Baltimore and his heirs, and in the form which shall seem best to him or them."

In this we have the origin of Maryland. It was the fruit of the mere motion, the offspring of the plenitude of the royal power of the King, the State is willed into being, and by the exercise of the same will the right to make laws, to appoint delegates or agents, and to do indeed nearly all that appertains to the being of vitality, is given; and this constitutes perhaps but a continuance of the principles of the great charter, with a rather greater assumption of power by the king. It might perhaps be said that the charter of Maryland created a contract between the king and colonists; but it is manifest from its language, that the king first creates the Colony prior to the execution of the contract, if there was one executed. The same remark may rightly be made in relation to the great charter, notwithstanding it is the boasted bulwark of English freedom. Its language implies a creation, by the king, of the people, before the contract is entered into, for in the charter, John, in the plenitude of his omnipotence, grants all the "underwritten liberties," to the freemen.

I will now pass forward to another era in the historical progress of our government; and it is with a design to meet the precedents cited by the gentleman from Frederick, (Mr. Lowe,) to show that the Legislature has at a previous period, by a single act, called a Convention of the people to adopt the Federal Constitution.

It is said, and, for the purpose of investigating this important point, I freely admit, that the Convention to adopt the Federal Constitution was called after the adoption of our State Constitution; that several provisions were stricken from the State Constitution that they might give place to provisions of the Federal Constitution; that the call was effected by a single resolution and without any change of the State Constitution in its amending article for that purpose; and hence the inference is claimed, that if the inherent sovereignty could thus call a Convention by a single act, to adopt the Federal Constitution, cannot the same process be legitimately observed to alter the present Constitution of the State or adopt a new one? I will remark in reference to this branch of my subject, before I proceed to show that the calling of a Convention by a single resolution was legitimate for the adoption of the Federal Constitution, that authorities from England are not to be received in relation to the structure of our government,

and particularly in relation to the character and extent of its powers. Mr. JEFFERSON himself, like a wise man, has laid down as a fundamental rule, that those who framed an instrument of writing are the authorized interpreters, and in this case I shall claim to use as authority the opinion of those who were the authors of our governments, State and Federal. No man is more disposed than myself to receive, and most implicitly, the opinion and practice of those to whom we are indebted, not only for our free institutions, but indeed for our very existence. I believe our forefathers to have been as effectually inspired in the political, as the holy seers and prophets of old time were in the divine world; and except for their success, as instruments in the hands of God in achieving our independence and establishing our government, it is more than probable our parents would not have known each other and we should not now have been here. I am then willing to rely upon any precedents drawn from such a source, if it had its origin in circumstances similar to those which now exist, but then it is but a poor and inconclusive mode of reasoning, to adduce precedents without understanding them, if understanding them without exploring the circumstance of their origin, and whether there were not reasons of justification for their use at the time they had their being, bearing no resemblence to those which now exist. Men may quote precedents without understanding them, and of such numbers as to become mystified in their complexity and doubtful signification. Such conduct is like that of children when they discover something new, with which they are greatly delighted, without knowing its nature or worth.

The resolutions upon which a reliance is so triumphantly placed, to show the power of the Legislature to call a Convention by a single act, are in these words:

"By the House of Delegates, November 27th, 1787—*Resolved, nem con:* That it be recommended to the people of this State to submit the proceedings of the Federal Constitution, transmitted to the General Assembly, through the medium of Congress, to a Convention of the people for their full and free investigation and decision.

"*Resolved,* That it be recommended to such of the inhabitants of this State as are entitled to vote for Delegates to the General Assembly to meet in their respective counties, the city of Annapolis and Baltimore town, on the first Monday in April next, at the several places fixed by law for holding the annual elections, to choose four persons for each county, two for the city of Annapolis, and two for Baltimore town, to serve in the State Convention, for the purpose of taking under consideration the proposed plan of government for the United States; and that the said elections be conducted agreeably to the mode and conformably with the rules and regulations prescribed for electing members to serve in the House of Delegates.

"*Resolved*, That the Delegates to be elected to serve in the State Convention shall, at the time of their election, be citizens of the State, and actually residing therein for three years next preceding the election, residents of the county where they shall be elected twelve months next preceding the election and be of twenty-one years of age.

"*Resolved*, That the Sheriff of the respective counties, the Mayor, Recorder and Aldermen, or any three of them, in the city of Annapolis, Commissioners of Baltimore town, or any three of them, shall, and they are hereby required to give immediate notice by advertisement to the people of the counties, the city of Annapolis and Baltimore town, of the time, place and purpose of the election as aforesaid.

"*Resolved*, That the persons so elected to serve in the said Convention, do assemble on Monday, the twenty-first of April next, at the city of Annapolis, and may adjourn from day to day as occasion may require, and that the same Delegates, so assembled, do then and there take into consideration the aforesaid Constitution, and if approved by them or a majority of them, finally to ratify the same in behalf and on the part of this State, and make report thereof to the United States in Congress assembled.

"*Resolved*, That the Delegates to be elected for Baltimore town, be residents of the said town, and the Delegates to be elected for Baltimore county be residents of the said county, out of the limits of Baltimore town.

"By order, WILLIAM HARWOOD, Clerk.

"By the Senate, December the 1st, 1787. Read and assented to.

"By order, J. DORSEY, Clerk."

In order rightly to understand how the process, in compliance with the above resolutions, was legitimate, it is necessary to show to what our State Constitution owes its existence. On the 4th of July, 1776, the Declaration of Independence was adopted. Prior to the adoption of that declaration we know that the Colonies admitted themselves to be subject to the British crown; and indeed until a few days previous to its adoption, no serious opinion had been expressed or entertained of a separation. Perhaps it was about the 10th of June preceding its adoption, that RICHARD H. LEE, of Virginia, I think, introduced a resolution into the Congress, declaring the Colonies to be free and independent, and all connection between them and the British crown to be totally dissolved. This resolution was not immediately acted upon. It produced the appointment of a committee, at the head of which was Mr. JEFFERSON, to draft a Declaration of Independence. Prior to the adoption of the Declaration of Independence the Delegates in the General Congress entitled themselves "the Delegates appointed by the good People of the Colonies;" yet, allegiance was acknowledged. We all know that the Colonies used every means by remonstrance and petitions, to produce a reconciliation up to the period of the adoption of the Declaration of Independence, and the adoption of that instrument was an act of final separation forever. It sundered the bonds which linked the Colonies with the mother coun-

try, and consequently every obligation, by force of the charters, was dissolved. The people of the Colonies were then made free—rested in a state of nature, and subject to but one organized authority by their consent, and that was the General Congress assembled, and acting by force of the Declaration of Independence, which then became the bond of union between the Colonies, and to it all the State Constitutions, the Articles of Confederation, and the Federal Constitution, owe their existence. It was the primary federal bond to which we are indebted for all our Constitutions, and consequently our existence as a free people.

That clause, which in the Declaration of Independence, constituted the *bond* of *union*, is in these words:

"We, therefore, the Representatives of the *United States* of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these Colonies, solemnly publish and declare, that these *united* Colonies *are*, and of right *ought* to be, free and independent *States;* that they are *absolved* from all allegiance to the British crown, and that all political connexion *between* them and the State of Great Britain is, and ought to be, totally *dissolved;* and that as free and independent States they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do; and for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually PLEDGE to each other, our *lives*, our *fortunes*, and our *sacred honor*."

This constituted the first *bond* of *union between* the Colonies as independent States. This bond was thus formed and executed by the force of a "*pledge*," and to it all the State Constitutions are indebted for their existence, and consequently that of Maryland. It was on the 10th of August in the year 1776, that our State Constitution was adopted. Its origin was therefore of a date subsequent to that of the Declaration of Independence, and necessarily so, for the people of the Colonies were not free prior to that period to form a Constitution of their own.

On the fifteenth day of November, in the year of our Lord, one thousand seven hundred and seventy-seven, "and in the second year of the independence of America," the Articles of Confederacy were agreed to, and on the ninth day of July, 1778, were finally agreed to; and although the old Congress, at the time of their adoption, were in session by force of the *pledge*, which, in the Declaration of Independence, was the bond of union, yet the members styled themselves "Delegates of the United States of America." The first section of that instrument is in these words: "The style of the confederacy

shall be the United States of America;" and a part of the third section is thus: "the said States hereby severally enter into a firm *league* of *friendship* with each other."

Thus it will be seen that the Articles of Confederation, equally with our State Constitution, are indebted for their existence to the "*pledge*," which, in the Declaration of Independence, was the primary and parental bond of union between the States. The Articles of Confederation were in fact but the expansion of the terms of the Declaration of Independence.

Again: On the 17th day of September, in the year 1787, and in the twelfth year of the independence of the United States of America, the Federal Constitution was adopted, and it was but the *expansion* of the Articles of Confederation. The first and parental bond, which existed by virtue of the pledge contained in the Declaration of Independence, exercised its positive and creative right of enlarging its powers, by the adoption of the Articles of Confederation, and afterwards proceeded still further to exercise it by the adoption of the Federal Constitution, and thereby converted itself into a Constitution instead of a league of friendship, and that Constitution to the extent of its terms, declares itself to be the supreme law of the land.

In the year 1783, prior to the adoption of the Federal Constitution, we find WASHINGTON, in his usual sincere and unsophisticated manner, expressing his opinion of the character of the bond of union existing by virtue of the Articles of Confederation. It occurred in the other wing of this capitol, on the 23d of December, 1783. I will make a brief extract from that address, delivered when he surrendered his military commission into the hands of the old Congress. It is thus:

"Happy in the confirmation of our independence and sovereignty, and pleased with the opportunity offered the United States of becoming a respectable nation, I resign with satisfaction the appointment I accepted with diffidence—a diffidence in my abilities to accomplish so arduous a task, which, however, was superceded by a confidence in the rectitude of our cause, the support of the *supreme power* of the UNION, and the patronage of Heaven."

This language of WASHINGTON—of the supreme power of the Union—is not only applicable from the period of the adoption of the Articles of Confederation, but during the whole period which intervened between the adoption of the Declaration of Independence, up to the moment of his surrender of his commission. During the whole of this latter period all the rights of sovereignty were exercised by the Congress of the Union. Armies were raised, money was collected and borrowed, ministers were appointed, treaties were negotiated and

concluded, and all the acts were done which free and independent nations can of right do. Thus we find, as early as 1783, WASHINGTON calling the bond of union the "supreme power of the Union." And this language was used four years prior to the adoption of the Federal Constitution. I will now proceed to cite authorities more directly in point. Long before the Federal Convention met, there were resolutions passed by the Federal Congress, for the amendment and enlargement of the Articles of Confederation. I cannot better quote them than in the language of Mr. MADISON, the father of the Constitution and the greatest of constitutional lawyers. It is from the fourteenth number of the Federalist:

"The second point to be examined is, whether the Convention were authorized to frame and propose this mixed Constitution.

"The powers of the Convention ought in strictness to be determined by an inspection of the commission given to the members by their respective constituents. As all of them, however, had reference either to the recommendation from the meeting at Annapolis, in September, 1786, or to that from Congress, in February, 1787, it will be sufficient to refer to these particular acts.

"The act from Annapolis recommends the appointment of Commissioners to take into consideration the situation of the United States; to devise such further provisions as shall appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the United States in Congress assembled, as when agreed to by them, and afterwards confirmed by the Legislature of every State, will effectually provide for the same."

The recommendatory act of Congress is in the words following:

"Whereas, there is provision in the Articles of Confederation and perpetual union for making alterations therein, by the assent of a Congress of the United States and of the Legislatures of the several States; and whereas, experience hath evinced that there are defects in the present confederacy; as a means to remedy, which several of the States, and particularly the State of New York, by express instructions to their Delegates in Congress, have suggested a Convention for the purpose expressed in the following resolutions; and such Convention appearing to be the most favorable means of establishing in these States a firm national government,

"*Resolved*, That in the opinion of Congress, it is expedient that on the second Monday in May next, a Convention of Delegates, who shall have been appointed by the several States, be held at Philadelphia for the sole and express purpose of *revising* the *Articles of Confederation* and reporting to Congress and the several Legislatures such alterations and provisions therein as shall, when agreed to in Congress, and confirmed by the States, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union."

Such are the resolutions for the call of a Federal Convention, and such is the commentary of Mr. MADISON. But I will quote a little from this same number in reference to this same subject:

"The truth is that the great principles of the Constitution, proposed by the Convention, may be considered less, as absolutely new, than as the EXPANSION of principles which are found in the Articles of Confederation. The

misfortune under the latter system has been that these principles are so feeble and confined as to justify all 'the charges of inefficiency which have been urged against them; and to require a degree of enlargement, which gives to the new system the effect of an entire transformation of the old."

And he then proceeds further to say, in the same number, and in reference to the same subject—

"They must have reflected, that in all great changes of established governments, forms ought to give way to substance, that a rigid adherence in such cases to the former, would render nominal and nugatory the transcendent and precious right of the people to 'abolish or alter their governments as to them shall seem most likely to effect their safety and happiness.' Since it is impossible for the people spontaneously and universally to move into concert towards their object; and it is therefore essential, that such changes be instituted by some informal and unauthorized propositions, made by some patriotic and respectable citizen or number of citizens. They must have recollected that it was by this irregular and assumed privilege of proposing to the people plans for their safety and happiness, that the States were first united against the danger with which they were threatened by their ancient enemy; that committees and congresses were formed for concentrating their efforts and defending their rights; and that conventions were elected in the several States for establishing the Constitution under which they are now governed."

We have in one of the quotations just made, a declaration that the Federal Constitution "was to be considered less as absolutely new, than as the *expansion* of principles which are found in the Articles of Confederation." This language fully sustains all I have said: that, in fact, the first and elementary bond of the Union was a pledge of life, liberty and honor, in the Declaration of Independence; and that the Articles of Confederation and the Federal Constitution were but an expansion or enlargement of the primitive and supreme bond existing by virtue of the Declaration of Independence, and that to the latter our constitution of government, State and Federal, are indebted for their existence.

The passage just quoted, in which he says "they must have reflected, that in all great changes of established governments, forms ought to give way to substance; that a rigid adherence in such cases to the former, would render nugatory and nominal, the transcendent and precious right of the people 'to abolish or alter their governments as to them shall seem most likely to effect their safety and happiness.'" The expression marked as quoted in this commentary, is taken from the Declaration of Independence, and the whole commentary is descriptive of a revolutionary right. It is particularly described when it is said to be right and legitimate to exercise this transcendent right to overthrow established governments. Such a right was exercised by

the Colonies in the adoption of the Declaration of Independence and in all the measures adopted to liberate us from the tyranny and usurpations of the mother country. The exercise of such a right had its origin in necessity and I do not know that I might not with great propriety say the Colonies were under such a necessity up to the period when the Federal Constitution was adopted, and the States thereby became members to a constitutional compact and the government was for the first time clothed with sufficient power to sustain in itself.

It does seem to me that this proposition ought to be considered as clear,—that the old Congress, whether acting under the original and primary bond created by the adoption of the Declaration, or under and by force of the same bond when expanded and enlarged by the adoption of the Articles of Confederation, had an undoubted and plenary right to select the mode by which such an enlargement should be effected as would render it capable of self-preservation. A proof of its truth is to be found in the fact, that but a single act was used to adopt the Declaration of Independence, then the Articles of Confederation, and finally the Federal Constitution. Those who adopted these measures, must have best known the work in which they were engaged; and if in any change effected, it was necessary that the process prescribed in any State Constitution for alteration or amendment, whether by two successive acts or otherwise should be observed, those who framed our government ought best to have known. All the State Constitutions prescribe modes of alteration and amendment different from the mere passage of one act, and that of our State distinctly require two successive acts. Yet we find both the Articles of Confederation and the Federal Constitution adopted by one act. Not only the whole of the Articles of Confederation, but the amending article, which is in these words, was adopted by a single act:

"Every State shall abide by the determinations of the United States in Congress assembled, on all questions, which by this confederation are submitted to them, and the articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made, in any of them; unless such alteration be agreed to in Congress of the United States and afterwards confirmed by the Legislature of every State."

Yet at this very moment the Constitutions of the different States had different modes of alteration or amendment. Afterwards, the Federal Constitution, in compliance with the direction of Congress, acting under and by force of the Articles of Confederation, was adopted by Conventions of the people of each State, called by a single act, not-

withstanding the fact that in all the State Constitutions there existed a circuitous mode of alteration or amendment. Thus we find that through the entire progress of our Federal government, the old Congress always acted as if their power was the supreme power of the Union, and they had a primary right to prescribe their own mode of its alteration or amendment.

The old Congress called the Federal Convention for the purpose of framing a Constitution, which, when framed, was transmitted to the Congress, and this latter body by a simple resolution, commanded the several State Legislatures to call Conventions of the people for the purpose of adopting it, as a substitute for the Articles of Confederation. The command was obeyed, and still furnishes proof upon proof of the position I have assumed. And we find not only the members of the old Congress acknowledging the existence of such a supreme right in the Federal bond, by acting it out, but the Legislatures of all the States acquiesced in it, of which we have a conclusive proof in the adoption and present existence of our Federal government.

I have thus briefly, and in general terms described the historical progress of our government up to the precedent I have already cited, when the Legislature of Maryland, by a simple resolution, called a Convention of the people without first changing the Constitution for that purpose. It will be seen from what has already been said, that the Federal Congress, through the agency of the State Legislature, called the Federal Convention, and that after the latter had framed and adopted a Constitution, the Federal Congress again, by a resolution, directed the State Legislature to call Conventions of the people in order to adopt that Federal Constitution. In my humble judgment then, the call of the Convention in Maryland by a single act of the Legislature was perfectly legitimate. The Federal bond was the "supreme power" of the Union, to which our State Constitution was subject, and thence the supreme power had a right to prescribe the mode by which the State could adopt the Federal Constitution; and a more triumphant proof of the legitimacy of the proceeding could not be asked than the fact of the precedent itself; for it is to be observed that the directions were given to the State Legislatures to call Conventions, without reference to the forms or provisions of their respective Constitutions.

I have already quoted the amending article of the Articles of Confederation, which declares no alteration or amendment should be made

without the consent of the Legislature of every State; and the seventh article of the Federal Constitution declares the mode by which that instrument was to be adopted, in these words:

"The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution BETWEEN the States so ratifying the same."

Our government consists of compacts. It is a system compacted together. That the adoption of the Federal Constitution in this manner was a departure from the mode prescribed in the Articles of Confederation cannot be denied; and upon this as a precedent, on the present occasion, gentlemen are disposed implicitly to rely. I once saw a dog run over himself, and I should not wonder if it shall be discovered, before this controversy is terminated, that those who now maintain the present doctrines by this precedent, have run over themselves.

On reference to this point, it is argued that in the adoption of the Federal Constitution, the amending article of the Articles of Confederation was violated, by substituting the ratification of nine States in its place. It is to be observed, as I have already said, the Federal Constitution was transmitted by the Federal Convention to the General Congress, and that the latter tribunal, by a resolution, directed the State Legislatures to call Conventions of the people for its adoption. Was not the Federal Constitution an expansive alteration of the Articles of Confederation; and did not the Legislatures of the States, in calling Conventions, in obedience to the direction of Congress, as effectually give their assent to such expansive alteration as if they had directly adopted it themselves by this single act? They, by their call of the Convention, gave their sanction to it in addition to its adoption by the organ of a Convention of the people; although all the States did not at the same time adopt the Federal Constitution, yet they all did so ultimately and its adoption thereby became unanimous.

The object of permitting nine States to adopt the Constitution, and thereby establishing it as a compact between the nine so ratifying it, was clearly to compel the other four to adopt the same course, because of their disability with safety and honor to remain out of the compact. But for an obvious reason it cannot be cited as an example for the call of a Convention under our government, State and Federal, contrary to the modes prescribed in their Constitutions. Our governments all now rest upon the force of compact, and all the parties to that compact

have "an equality of rights." It is a constitutional compact, by virtue of which our government, State and Federal, exist; and that constitutional compact possesses the force and attributes of law. To its violation a penalty is annexed; and thus the cases are made essentially different, because the Articles of Confederation are declared to be a league of friendship and consequently could not be clothed with the obligation of law, and no penalty could be annexed to their infraction. The Articles of Confederation originated and rested in friendly consent and there existed a moral obligation to adhere to them, but to their infraction no penalty was annexed. I have already said that to the Federal bond, as the supreme power, we are indebted for our freedom and our Constitutions, State and Federal. The Federal bond, under the Declaration of Independence, and also under the expansion of the latter, by virtue of the Articles of Confederation, originated from and rested in a supreme necessity—a necessity equal to self-preservation and freedom on the one hand, and tyranny and destruction on the other—a necessity no less imperative prior to the adoption of the Federal Constitution, than that necessity which gave being to the Declaration of Independence, and achieved and perfected that independence; for without the adoption of the Federal Constitution, the fruits of the Revolution would have been lost. In relation to this subject, I will again quote from Mr. MADISON:

"In one particular, it is admitted that the Convention have departed from the tenor of their commisson. Instead of reporting a plan requiring the confirmation of *all the States*, they have reported a plan, which is to be confirmed and may be carried into effect by nine States only."

It is worthy of remark, that this objection, though the most plausible, has been the least urged in the publications which have swarmed against the Convention. This forbearance can only have proceeded from an irresistible conviction of the absurdity of subjecting the fate of twelve States to the perverseness or corruption of a thirteenth. Again he says,

"Two questions of a very delicate nature present themselves on this occasion—1st. On what principle the Confederation, which stands in the solemn form of a compact among the States, can be superseded without the unanimous consent of the parties to it. 2d. What relation is to subsist between the nine States ratifying the Constitution and the remaining four who do not become parties to it. The first question is answered by recurring to the absolute necessity of the case; to the great principle of self-preservation; to the transcendent laws of nature and of nature's God, which declares that the safety and happiness of society are the objects at which all political institutions aim and to which all such institutions must be sacrificed."

The fact is, they who cite the departure from the amending article of the Articles of Confederation, by the substitution of the ratification of nine States for unanimous consent, do not see in what extraordinary situation they have placed themselves. The precedent is in truth against them. It is admitted by those who framed the Federal Constitution, that its ratification by nine States, was not altogether a legitimate mode, and it is justified on the ground, first, of absolute necessity, and secondly that the Articles of Confederation formed only a friendly compact and were not clothed with the real attributes of law. Now, sir, unless the authors of this proposition to call a Convention by a single act, can show such a necessity now, as then existed, they are not justified in the course they have adopted. The departure from the legitimate mode just mentioned was made, because if it had not been done the Union would have been dissolved, and it is highly probable the liberties of the States would have been destroyed. Does any such necessity exist in this case?

But, sir, those who cite the instance of the departure of the Federal Convention from the mode prescribed in the Articles of Confederation, and substituting for it the ratification of the Federal Constitution by nine States only, do not discover to what extraordinary consequences it would lead them. I have already said, Mr. Madison justified it on the ground of necessity—an imperative necessity—equal to self-preservation—equal to the value of the Union—the preservation of the liberties of the States, and the hope of liberty throughout the earth. But gentlemen do not see to what consequences their doctrines will lead. Nothing now endangers the existence of the Union, and if the action of nine States in the adoption of the Federal Constitution, could now be cited for authority, a majority of the people of the United States could go on and by a process contrary to the amending article of the Constitution, convert our Federal into a National government, and entirely destroy the distinct existence of the States. The act of the ratification of the Federal Constitution by nine States, was founded on unavoidable necessity, and was regarded I presume as the only or most certain method of success, and had its origin in circumstances of great peril and difficulty. Times and circumstances have changed. Under our present government, we exist and act with the exercise of the largest liberty, are in a state of universal peace, and are in the enjoyment of universal prosperity. We are now great, happy and prosperous, and to attempt a change of the Federal Con-

stitution, by an act of the majority, contrary to the mode prescribed in that instrument, would be extraordinary, and might justly be regarded only an effort of that pragmatical and sightless propensity which seems the peculiar offspring of the wild spirit of the age.

Our government is beautifully formed and ought at every hazard to be preserved, and we ought to be exceedingly cautious how we advocate measures which might engender seeds which would grow up to its destruction. The colonial government stood originally on the counties as so many social pillars. The Declaration of Independence threw down the colonial government and restored their materials to a state of nature. In the midst of these natural materials stood the bond of the Declaration of Independence as a pyramid with a base too narrow for its support. The natural materials then formed themselves into so many separate governments or State pyramids congregated about the great central one, the Declaration of Independence. This central pyramid however by experience was found to be incapable of sustaining itself by reason of the narrowness of its base, and because it had no arms projecting to the State pyramids by which it should be upheld and sustained. The base of this central pyramid was afterwards enlarged by the adoption of the Articles of Confederation and arms extended from it to rest upon the summits of the State pyramids. Yet still the base of this central pyramid is found to be too narrow and the summits of the State pyramids too weak for its support; but being primary and elementary in its character, it has further enlarged its base, by the exercise of its own legitimate right, and extended its arms into the basis of the State pyramids, so as to become full of stability and security in the adoption of the Federal Constitution.

I have said our government differs essentially from the English government. Ours may be said truly to be composed of the English language, and that of England is "an aggregate of law and usages which have been formed in the course of ages." I have said and shown that the English constitutional organization consists in the fundamental compact *between* king and people, as two contracting parties; and now it becomes proper to show that our constitutional organization consists in a fundamental compact between the people themselves as the contracting parties. This constitutes a difference as distinct as two directly opposite principles. The first article of the Bill of Rights declares: "That all government of *right originates* from

the people, is founded in compact only, and instituted solely for the good of the whole." Now, sir, the first member of this sentence declares "that all government originates of right from the people," and the word, originates, is here to be regarded as synonymous with creates, and implies the relation of creature and creator. It might have been expressed in these words, the people of right create all government, and the meaning would have been the same. This I apprehend will hardly be denied, and if it be true, can there be a fundamental contract between the creature and the creator? That power which creates must ever uncrate, is a rule that runs through all law, human and divine. and if so, here must exist a palpable difference from a fundamental compact where the contracting parties have each their original and equal rights. I think this needs no farther illustration, and I now proceed to explain the next member of the sentence—"is found in compact only." I have already given the definition of compact, that it exists between independent parties. This definition shows there cannot be one between the government and the legislature and the people, because the first member of the sentence expressly declares that government originates from the people; and how can that which is created be separate and independent character in reference to the creator having rights capable of being enforced? It has always and ever must be conceded that the creator has the power to destroy the creature and that the latter exists alone by the consent of the former, and consequently cannot have any separate and independent rights. If the creatures of the Deity were clothed with independent powers, so as to enter into a contract and be capable of enforcing their rights, usurpation would assuredly follow. Such was the case when the war arose in Heaven by the rebellious angels, and they, for their rebellious acts, were thrust out into outer darkness by the firey elements of truth. Such was the error committed by all the nations of antiquity, and hence the creature gradually stole the powers of the creator until usurpation, and then destruction, followed; and the history of all the governments of that period tells the lamentable story.

But, sir, our own Bill of Rights gives the proper construction of this member of the sentence when it says, "that all persons invested with the Legislative or Executive powers of government are trustees of the public, and, as such, accountable for their conduct." In this last quotation the word government is used, and in the first member of

the first clause quoted from the Bill of Rights, it is said all government of right originates from the people; and the expression, accountable for their conduct as such, is totally at war with the idea of fundamental compact between the government and people as contracting parties. The second article of the Bill of Rights of Virginia is still more explicit when it says, "that all power is vested in and consequently derived from the people; that magistrates are their trustees and servants and at all times amenable to them." This illustrates what I have already said, that the bond which exists in this country between the magistrates and the people is a bond of service as contradistinguished from a fundamental compact. In our country the magistrates are elected or appointed, and if they were contracting parties with the people their rights would be hereditary; and the fact of election or appointment implies a service or agency contract.

And now, sir, for the exposition of the third members of the sentence, "and instituted solely for the good of the whole." This sentence is founded in a mathematical axiom, that all the parts are equal to the whole and the whole is equal to all the parts. The fact is, sir, this axiom illustrates the true character of our government, for if it be instituted for the good of the whole, it must be equally so for the parts, and consequently the parts have the same rights with the whole; that is, every citizen, as the parts, has the same rights with all the citizens and is entitled to the same good. This formation is of matchless beauty, indeed sublimity. The institution of government for the good of the whole is a legitimate and unavoidable consequence of the compact only, which gives equal rights to all the contracting parties and exclusive advantages to none.

This brings us to another view of the question. The fourth article of the Bill of Rights declares "that all persons invested with the Legislative or Executive powers of government are the trustees of the public, and as such accountable for their conduct." This passage is expressive of the condition of the people and magistrates, in reference to the power of the one, character and accountability of the other; but the succeeding part of the same section is expressive of a condition when the trustees had usurped powers beyond those entrusted to them and transcending their sphere of accountability, and perverting the ends of government, had converted it into a despotism. It says, "therefore whenever the ends of government are perverted and the public liberty manifestly endangered, and all other means of redress

are ineffectual, the *people* may and of right ought to reform the old or establish a new government." The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind. With a view to an accurate and intelligible exposition of this passage. I will quote from the Federal Constitution:

"The Congress shall guarantee to every State in the Union a Republican form of government, protect each of them against invasion; and, on application of the Legislature or of the Executive, (when the Legislature cannot be convened,) against domestic violence."

The following is a portion of Mr. MADISON'S commentary on this passage:

"In a Confederacy founded on Republican principles and composed of Republican members, the superintendening government ought clearly to possess authority to defend the system against monarchical innovation. The more intimate the nature of such a union may be, the greater interest have the members in the political institutions of each other, and the greater right to insist that the forms of government under which the compact was entered into should be substantially maintained. At first it might seem not to square with the Republican theory, to suppose either that a majority have not the right or that a minority will have the force to subvert a government; and consequently, that the Federal interposition can never be required but when it would be improper. But theoretic reasoning in this as in most other cases must be qualified by the lessons of practice. Why may not illicit combinations, for purposes of violence, be formed as well by a majority of a State, especially a small State, as by a majority of a county or a district of the same State? And if the authority of the State ought in the latter case to protect the local magistracy, ought not the Federal authority in the former to support the State authority? Besides there are certain parts of the State Constitution which are so interwoven with the Federal Constitution, that a violent blow cannot be given to the one, without communicating the wound to the other."

It will be observed that the fourth section of the Bill of Rights just quoted, describes a condition when it is proper and right, and indeed the bounden duty of the people, to alter their old government or establish a new; and that condition is when the ends of government are perverted, and from that source, public liberty endangered. It declares that submission to despotism is slavish and destructive of the good and happiness of mankind. This is but a repetition of what was proclaimed by the Colonies by the Declaration of Independence, as descriptive of the usurpations and tyranny of the mother country; and I might say it is but the description of the time when it is proper to exercise a revolutionary right. That right had just been exercised in throwing off the yoke of the mother country; and it is well worthy of observation that this clause was inserted in the Bill of Rights but a few weeks after the adoption of the Declaration of Independence and

while the people of Maryland were exercising a revolutionary right. It does not form a delegation of that right, but is a declaration, through their agents, of the people themselves when it was proper such a right should be exercised.

That declaration is descriptive of solemn and valuable principles of government. The King of England, through the action of Parliament, had assumed to himself the exercise of powers which did not properly belong to him as one of the parties to the fundamental compact between himself and the people of the Colonies. The Colonies were justified then in throwing off the government, because the King, one of the contracting parties, had violated the terms of the contract and consequently the other party was absolved from its obligations. So when the magistrates, the trustees, agents or servants in our country, have assumed the exercise of rights which belong to the people, their employer or creator, the contract of service is dissolved and the people can resort to the true principles of the fundamental compact between themselves, to eject their unfaithful servants, agents or trustees, and substitute others in their place.

It is also to be observed, sir, that this provision was inserted in the Bill of Rights prior to the adoption of the Federal Constitution. If then a majority, either directly or indirectly, through agents, usurp improper powers not warranted by the terms of the compact, or should produce an anarchy so as to impair or endanger the rights of the minority, there would be no necessity for a resort in our country, to the exercise of the revolutionary right, but the interposition of the powers of the General Government can be commanded according to the provisions just quoted. This constitutes one of the most beautiful and salutary features of our system of government, that the clause just quoted attached itself for protection to every State Constitution, so as to prevent the necessity of a resort to violent means to throw off a despotism or indeed to prevent the occurrence of anarchy. It is also truly worthy of observation, that our government presents the first example of an effectual safeguard against the occurrence of the condition of anarchy or despotism. It can hardly be supposed that all the States could be reduced to such a condition at once, and hence is an inexhaustible source of safety.

It is also to be remarked as a solemn historical truth, that all governments which were of antiquity were subject to the unrestrained will of the majority, and from that source, or from the union of mi-

norities with external powers, were all the governments of antiquity overthrown; because such an action has always produced anarchy, then despotism, and then destruction. It grew out of the fact, that all the States of antiquity were ignorant of that form of government which is founded in compact between the people themselves, by which the rights of every part was to be protected equally with the rights of the whole; or rather the rights of every citizen, the parts, were to be protected equally with the rights of all the citizens, the whole. Among them, all the rights of the minority were subject to the absolute will of the majority, and hence not only the rights of the minority but of the majority also were ultimately destroyed. If then the advocates of the doctrines, sought to be established on this floor should succeed, irrespective of the will and wishes of the minority, indeed of every citizen, as received by the terms of the compact, they will have re-established those very principles of government which have universally failed; and so fully have they failed that there exists not now a vestige of the ancient governments of antiquity. Fortunately, under our form of government, by force of that provision of the Federal Constitution which I have quoted, the majority, if they shall have proceeded too far in a too great violence of action, against the terms of the compact, are as liable to be hanged as the minority; and this constitutes the essential beauty and efficacy of our form of government, which differs in this *respect only* from every other upon which God has yet smiled or frowned.

The high authority from which I have just quoted, says there are cases in which the action of the States might violate some of the most important provisions of the Federal Constitution; and with a view to show the wild and unrestrained will of the majority might effect this violation, I will again refer to one important provision of the Federal Constitution: "No State shall pass any bill of attainder, ex-post facto law; or laws impairing the obligation of contracts; or grant any title of nobility." It must be manifest to all, if the majority have a right to do as they please without regard to the terms of the compact between all the citizens as contracting parties, of which the Constitution is the evidence, they could not be restrained by the clause just quoted. They would act at their on pleasure, and could not only impair the obligation of contracts but destroy every *one* in our State; in fact all rights, natural or vested, whether of the person, or of property, personal and real, would be at their mercy. The authority would

know no limit short of an absolute authority and that limit would be their own will and sense of justice, and at the mercy of that will and that sense of justice would the minority be placed. That the majority can legitimately or constitutionally exercise their authority to alter, change or abolish our form of government, I do not deny, but our Constitution prescribes the mode. In the adoption of the mode prescribed by the Constitution, there is safety from various sources. First, the change must be published so as to inform the creator, the people, of the nature and extent of the change,—and secondly, the concurrence of a successive act of the Legislature, after an examination of the nature and character of the change by the people would produce deliberation and caution, and consequently security to the rights of the minority even if that consisted of but one citizen. Thus, if the majority should attempt by two successive acts to disfranchise a citizen or deprive him of life, liberty or property, an opportunity would be furnished the whole people to know what was about to be done to the parts. But then there is another security to every citizen—the parts. If an act passes, which is arbitrary and unconstitutional, there is an appeal from it to the judicial tribunal, and that tribunal would interpret it and afford relief. But if the unrestrained will of the majority under the specious pretext that the inherent sovereignty can do as it pleases, is to be permitted to rule in all cases, not only the obligation of contracts would be impaired but broken at pleasure, and those safeguards thrown around the life, liberty and property of the citizen, would at one blow be prostrated. But, sir, if the doctrines now advocated, should prevail, with regard to the compact of Constitution by which the same rights are secured to the whole, it would perfect a return to that form of every government which has prevailed ever since the world began; and that form of every government has universally proved a failure as is shown by the history of all the nations of antiquity.

But, sir, I will further illustrate my subject: the forty-second article of our Bill of Rights says, "that this declaration of rights, or the form of government to be established by this Convention, or any part of either of them, ought not to be altered, changed or abolished by the Legislature of this State, but in such manner as this Convention shall prescribe and direct," and the fifty-ninth article of the Constitution says, "that this form of government, and the declaration of rights, and no part thereof, shall be altered, changed or abolished."

It is to be remarked the same expressions are used in the 42d article, and 59th article. In the first, it says that "this declaration of rights or the form of government," and in the second, "this form of government and declaration of rights," are not to be altered except in the mode prescribed. But it is said that this mode of alteration is confined to the Legislature, because the 42d article says, "ought not to be altered, changed or abolished by the *Legislature* of this State," and thus it is attempted to make the Legislature distinct from the people. Every man is liable to err; but it does seem to me this idea grows out of a total misapprehension of the nature of our government. The author of the christian religion, as an agent, declared that he and his father were one, and they unquestionably were so, to the extent of the agency. So it is with our, indeed with all the American free governments. The Legislature consists of the trustees, agents or servants of the people, and no doctrine is more universally conceded than that the act of the agent is the act of the principal, to the extent of the agency.

Now I hold that whatever is done in this Legislature, whether in the passage of laws, or in altering, changing or abolishing the form of government or any part of the whole of the Bill of Rights, is done as though the people had acted in person. Any change wrought by this Legislature is wrought by the people, because we are the agents, and the act of the agent is the act of the principal.

I will illustrate. Suppose five persons enter into a compact for the purpose of protection, and the good of the whole, and consequently the good of the parts—the whole including the parts. In such a case the "whole" firm would be entitled to the same rights with each—all being equal in rights and privileges. But when entering into the compact, they determine by a clause in the instrument, which is evidence of the compact, that no change shall be wrought but by two successive acts, at two successive meetings; the act of the first sitting, is by the terms of the compact to lie over until the second sitting, in order that the whole five should have a full opportunity of examining its character. Now certainly the act of themselves would be the act of themselves; and would there not be the same result if the five acted by themselves, and in either of these cases, whether acting in person or by agent, would then the majority of the five have a right to alter the terms of the compact contrary to the mode prescribed in the instrument which has its terms? Is not the same rule equally applica-

ble to this Legislature? If a change is wrought by the Legislature, the agent of the people, the latter as effectually perform it as if it were done by them in person. In the case of the five, if the majority had determined to alter the terms of the compact in a mode contrary to that which is expressed in the instrument which is its evidence, would it not be a violation of the rights of the minority of two, who have the same rights with the majority of three.

The same mode of reasoning holds equally good with regard to one hundred. If our community had been composed of the latter number and consequently spread over a limited extent of territory, so that they could have met in person, there would have existed no necessity for such an agency as our Legislature. They would have met in person, and executed directly, what the Legislature indirectly, as an agent, now executes; and in this last case, the people through their agents, act as potentially and with the same responsibility as if they assembled and acted in person. The expression, "shall not be altered by the Legislature," is the same as shall not be altered by the people through their agents. In fact the expression might have stood thus, this declaration of rights nor form of government, shall be altered, changed or abolished, except by two successive acts of the agents of the people, met under the style of the Legislature—the act of the agent being the act of the principal.

Our people are too numerous and spread over too great an extent of territory to act in person, and therefore, for convenience, what they cannot do in person they do by agents, yet it is done as though the citizens were assembled in person to alter, change or abolish. Our government is based upon the principle of granting the largest liberty to do the greatest good, not to the greatest number, but to the whole, and there is, or ought to be, no restraint except from doing evil.

If then a majority of the people, by their own act, through their agents, should call a Convention, when there is no provision to authorize it, but another mode prescribed, they would as effectually violate the terms of the compact under which we live, as the majority of the five would have done directly in person, in changing the terms of the compact under which they lived, against the consent of the two, because under a compact each man has all the rights of the whole and the whole have all the rights of each man. It is a beautiful structure of government, and the first of the kind that has appeared; and

how destructive would it be if the authors of the present doctrines should prevail—destruction to not only our own rights and liberties, but to human liberty throughout the earth, now and forever.

In reply to the objection that the expression, "shall not be altered, changed or abolished" by the *Legislature* of the State, does not refer to the people, I will offer a conclusive interrogatory. If the bill passes to call a Convention by a single vote, would not the Legislature have been the agent or instrument in calling the Convention, and would not the changes so effected have been so effected indirectly by the *Legislature?* The latter would not effect them directly but indirectly through the action of the Convention. Strange it can do indirectly and through another what it cannot do of itself. If this be not running over ourselves, I confess I am at a loss to understand what is. The uncontrolled exercise of power, by the unrestrained *will* of the majority, may at no distant day visit with bloody devastation one section of our Union.

We have heard much talk, sir, about the incapacity of the inherent sovereignty to alienate itself. This is one of the instances in which pert loquacity is ever the swift messenger of deluded ignorance. To alienate the inherent sovereignty, it seems to me, might be to kill the man. It may be the return of the spirit to God who gave it, and of the body to the dust from whence it came. To *alienate* the inherent sovereignty, it appears to me, might be an act of suicide. A right which God has given to no man. It has been also said, that the inherent sovereignty cannot delegate itself. This is perhaps another expression among many others without sensible meaning. The inherent sovereignty consists of the man with his faculties of mind and body; and a delegation of it consists in the simple appointment of agents to do for us that which we cannot do for ourselves. This delegation of the inherent sovereignty, or the appointment of agents by it, is what we witness in every transaction. A man does not eat without the use of the knife and fork, and these little instruments of agency are found convenient and expeditious. A man does not plough his field without a delegation of his inherent sovereignty to his horse and his plough, and making these his agents to act out his purposes. So our citizens in voting, delegates to the inherent sovereignty through tickets and make them the agents of expressing their opinion. So in the adoption of our Constitution, the people delegated the inherent sovereignty to the delegates in Convention, or appointed them

their agents, and the signature of the delegates to the Constitution was the signature of the people themselves. In this aspect of the case how erroneous is the expression quoted from JOHN RANDOLPH, "that the days of Lycurgus had gone by when the citizens swore to support the Constitution." Through the delegates in general assembly, every citizen, indeed every man, woman and child in our State, swears annually to support the Constitution, State and Federal, because the delegates, as agents, swear for the principal, the people, on the rule that he who does an act, through the instrumentality of another, is himself the author.

It has been said we cannot enter into a compact to bind our posterity. This is another senseless cry without meaning. If this were true, we should certainly not be bound by the obligations of our first parents to the Creator; and if this doctrine is correct what shall protect our lives, our liberty and our property? Few of those who lived at the adoption of our Constitution are now living; and according to such a doctrine we are not bound by our present form of government, and consequently no one is entitled to the right of trial by jury or the protection of law. In such a situation, who could be punished for murder or for the commission of any crime? No law now exists, if such doctrine be true, because our government has died with those who framed it. Such a doctrine is too absurd to argue, because all the citizens in our State are not born at the same time, so that you could never frame a government to meet the birth of every individual. If you should attempt to establish a government to meet this doctrine you must erect one at the birth of almost every child, for its protection—all children not coming into the world at the same moment. The true construction of this doctrine is this, that you cannot bind by compact, persons not in being at the time the compact is entered into—that is, you cannot make a compact specifically to bind persons not in existence, because there is no contracting with or for nothing. Then we could not form a compact to bind those who shall come after us without its binding ourselves—so that the terms of the compact may go from ourselves to our offspring. If we attempt to bind those not in existence there is no one to take, and the contract falls to the ground.

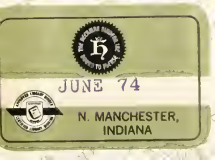
But, sir, there is one important clause in our State Constitution, to which the gentleman from Anne Arundel, (Mr. JOHNSON,) has referred. It is the conclusion of the fifty-ninth article, which provides for the action of two-thirds to change the Constitution in reference to the Eastern Shore. This is a distinct part of the compact, of which that 59th section is the evidence, and it was thus framed,

doubtless, because that was the weaker section, and required a more than ordinary safeguard thrown around their interests. He thinks, if the majority should proceed to extremity in the action of their uncontrolled will, that section would resist, and I say they would rightly do so. If they should not they would ignobly desert that additional protection, which all have agreed to and sworn to abide by; nor would such resistence be rebellion. Rebellion is the act of the creature and not of the creator. Who could conceive of rebellion by God against his angels? No, the angels rebelled and for their rebellion were driven over the battlements of Heaven, by the fiery elements of truth, and hurled down into an unknown and bottomless region of confusion and despair. Yes, I say she should resist and she would rightly do so. The security of her rights by the concluding part of the 59th article, which requires the action of two-thirds of both branches of the Legislature, is a part of the compact, and if it were broken by the majority on the Western Shore or elsewhere, she would have a constitutional right to resist. That clause was inserted expressly for her protection, because she is the weaker section, and for that reason her rights would be likely to be violated; and to suppose that she—being in a minority, because the weaker section, could not lawfully, by virtue of the terms of compact of which that clause is the evidence—resist, is to charge the framers of our Constitution with idleness—with worse than idleness, in having engrafted such a clause in that instrument.

A few words in conclusion. A bill has passed this body to change the sessions of the Legislature from annual to biennial, and one of the reasons alleged for doing it is to rid ourselves of too much electioneering. It seems to me this is a wrong remedy. There is one which is more simple and more effectual. In proportion to the number engaged in any pursuit, whether of good or evil, will be the extent of the consequences. Thus one man could drink until he had destroyed character first and life afterwards, but if he is alone the evil consequences would hardly be perceptible. Extend, however, the rounds of dissipation to one hundred and you increase the evil one hundred times; and by the same process, by extending it to all the inhabitants of Maryland, you would destroy our State. On this principle divide your counties, cities and districts into as many districts as there are delegates. Thus, if my county, having three delegates, was divided into three election districts, and each voter and candidate was confined to his own district, it would diminish the amount of electioneering just two-thirds. So if Frederick county, which has five delegates, was divided into five election districts, and each candidate and voter was confined to his own particular district, you would diminish the amount of electioneering four-fifths; and thus you would by a simple process achieve what is sought to be accomplished by the establishment of biennial sessions, which, under our Federal form of government, constitutes the initiatory step to the only process by which the liberties of our State can ever be destroyed.

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